

A Companion to Luis de Molina

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A Companion to Luis de Molina

Edited by

Matthias Kaufmann &
Alexander Aichele



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2014

Cover illustration: Atelier Kaufmann, Erlangen, based on a letter by Luis de Molina. Letter of Luis de Molina to P. Stevan de Hogeda, to be found on <http://www.cervantesvirtual.com/obra/carta-del-p-luis-de-molina-al-p-stevan-de-hogeda/>, edited by Atelier Kaufmann, Burgbergstr. 57, 91054 Erlangen.

Library of Congress Cataloging-in-Publication Data

A companion to Luis de Molina / edited by Matthias Kaufmann & Alexander Aichele.
pages cm. — (Brill's companions to the Christian tradition, ISSN 1871-6377 ; VOLUME 50)
Includes bibliographical references and index.
ISBN 978-90-04-22823-8 (hardback : alk. paper) — ISBN 978-90-04-26218-8 (e-book) 1. Molina, Luis de, 1535–1600. I. Kaufmann, Matthias, 1955– editor of compilation.

BX4705.M598C66 1013
189'.4—dc23

2013037418

This publication has been typeset in the multilingual “Brill” typeface. With over 5,100 characters covering Latin, IPA, Greek, and Cyrillic, this typeface is especially suitable for use in the humanities. For more information, please see www.brill.com/brill-typeface.

ISSN 1871-6377
ISBN 978-90-04-22823-8 (hardback)
ISBN 978-90-04-26218-8 (e-book)

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This book is printed on acid-free paper.

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des Essais de théodicée de G.W. Leibniz, ed. Paul Rateau (Stuttgart: Steiner, 2011), 79–93; “Rationality of the Irregular: Political Communities and Constitutional Devices in Leibniz,” *Studia Leibnitiana* 43/1 (2011), 36–53.

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INTRODUCTION

Alexander Aichele and Matthias Kaufmann

The extent of fame is neither a sign of significance nor of originality—it is not only our current celebrity culture that is filled with countless examples of this fact but the history of thought as well. Yet the opposite also holds true. There is a whole mine of philosophical jewels just waiting to be dug up from the archival vaults. Having slipped attention, however, does not imply there has never been any. Some authors, during their lifetimes, enjoyed more fame than they actually would have preferred. After all, especially in times of secular or ecclesiastical censorship, the line between being regarded an esteemed scholar or honored and glorious teacher of the holy church and being persecuted as a public enemy or damned as a vile heretic seems to be quite a thin one.

It is most ironic that the Spanish Jesuit Luis de Molina, despite pleading to live the quiet life of a scholar,¹ was condemned (primarily) in his later years to live a life on the edge of this thin line. The uproar that the publication of his *Concordia* brought about sparked off not just the controversy regarding the efficiency of divine grace, which is claimed to have “set fire” to the house of the Catholic church (which, technically speaking, is still burning), but it even inspired the Protestant discussion on freedom and necessity.² In this sense, we can say that Molina’s writings were never actually completely forgotten, for they contained concepts and arguments that have been in continuous use even up to the present day—although their origin may not be known. The same holds for his other *chef d’œuvre*, the voluminous *De justitia et jure*, which is the reason why this current volume focuses on both works, given that they are—pardon the pun—his most popular ones. So Molina’s works were spared the cruelest fate that books can suffer, namely to be seldom read but often referred to. Instead, Molina was subject to the opposite fate, at least in the 17th and

¹ Cf. both letters by Molina to Aquaviva from 29 August 1582 in Friedrich Stegmüller, *Geschichte des Molinismus I: Neue Molinaschriften* (Munster: 1935), 548, 558.

² Cf. e.g. John Bramhall, “Discourse of Liberty and Necessity,” in *Hobbes and Bramhall on Liberty and Necessity*, ed. Vere Chapell (Cambridge: 1999), 1–14; on Pufendorf: Alexander Aichele, “Protestantische Willensfreiheit? Samuel Pufendorfs Molinismus,” *Studia Leibniana* 43 (2012 [2014]).

18th centuries (i.e. quite often read but as good as never referred to). Yet, even in later times, when reading the Spanish scholastics fell out of fashion, it is easy to find traces of his work if one knows what to look for. At any rate, one of the primary aims of this *Companion* is to hone the senses of the interested reader such that they can pick up on the traces persisting in the form of concepts and arguments at places one would hardly expect to find them.³

The task of this introduction, however, lies in presenting some biographical and historical background as well as a very general outline of Molina's thought as it will be presented in the chapters of this volume.

I. LIFE AND WORKS

Luis de Molina was born in September 1535 in Cuenca and died in April 1600 in Madrid.⁴ Next to nothing is known about his parents.⁵ His life starts during the reign of Charles V (1500–58), in whose empire the sun never set, and ends shortly after the death of Philip II (1527–98). In other words, Molina's life can be said to have spanned the conquest of middle and southern America and the foundation of Spain's enormous colonial empire, as well as the highest peak ever to be reached in the kingdom's political, military, economic, and cultural power.

However, Molina spent most of his adult life in the kingdom of Portugal. After a four-year course of Latin at Cuenca, he entered the University of Salamanca in 1551 to study law where he may or may not have heard Diego de Covarrubias.⁶ The following year finds him at the college of Alcalá taking logic. It was at Alcalá, where Ignatius of Loyola (1491–1556) himself had been enrolled some 20 years earlier, that Molina for the first time came into contact with the Society of Jesus, founded in 1540. It seems to have been love at first sight, since after having been admit-

³ As it is, for example, the case with one of the most important authors in German pietism, Philipp Jakob Spener; cf. Anna Szyrwinska, "Der Einfluß des Pietismus auf die Ethik Kants" (Dissertation: Halle/Warsaw, 2012).

⁴ This part of the introduction draws heavily on the biographical relations of Stegmüller, *Geschichte des Molinismus I: Neue Molinaschriften*; Johannes Rabeneck, SJ, "De Ludovici Molina Studiorum Philosophiae Curriculo," in *Archivum Historicum Societatis Jesu* 6 (1937): 291–302, "De vita et scriptis Ludovici Molina," in *Archivum Historicum Societatis Jesu* 19 (1950): 75–145; and Frank Bartholomew Costello, SJ, *The Political Philosophy of Luis de Molina, S.J. (1535–1600)* (Spokane: 1974), 3–22.

⁵ Cf. Stegmüller, *Geschichte des Molinismus I: Neue Molinaschriften*, 2*, n. 2.

⁶ Cf. Costello, *The Political Philosophy of Luis de Molina*, 4.

ted to the Society he was sent to Coimbra in August 1553. Spending the two years of his novitiate in Portugal was inevitable because the Jesuits at this time maintained that no novitiate of their own could be in Spain.⁷ Molina attended the full course of philosophy from 1554 to 1558,⁸ most likely under the direction of Sebastian de Morales, and not Pedro de Fonseca nor Ignatius Martins.⁹ Naturally, a full course of philosophy meant a full course in Aristotle, whose works were commented on by the teachers. They were done in the following order: *Introduction to Philosophy* (Porphyry), *Categories*, *De Interpretatione*, *Topics*, *Ethics*, *Prior and Posterior Analytics*, *Physics*, *Metaphysics*, and *De anima*.¹⁰ Molina excelled above all in logic and metaphysics; he graduated in April 1558, began his theological studies at the public university of Coimbra, and was then ordained a priest in 1561.¹¹

Molina's academic career had already begun during his theological studies. Initially, he occasionally filled in for philosophy at Coimbra and later substituted a month in theology at the University of Evora. From 1563 until 1567 he taught his own course of philosophy at the Jesuit college of Coimbra. According to Stegmüller at least, the manuscripts of Molina's comments on Aristotle's *Organon* and *Ethics* and Porphyry's *Introduction* have been kept in Evora since 1581, after Fonseca, who took the manuscripts to Rome in 1572 for the duration of the course, brought them back.¹² Evidently, this fact nicely fits Molina's lamenting suspicions that Fonseca may have used or even plagiarized these manuscripts for his own commentary on Aristotle's *Metaphysics*.¹³ From 1568 to 1583 Molina taught theology at the University of Evora, which had been given to the Jesuits in 1559.¹⁴ As expected in that day and age, he lectured on the first part and on both parts of the second one of Thomas Aquinas's *Summa theologiae*.¹⁵ His lectures on the *Prima Pars* and the *Secunda Secundae* comprised the foundation of Molina's great *Commentaria in Primam Divi Thomae Partem*, published in Cuenca in 1592, of which some extracts first went into

⁷ Cf. Stegmüller, *Geschichte des Molinismus I: Neue Molinaschriften*, 3*.

⁸ Cf. Rabeneck, "De Ludovici Molina Studiorum Philosophiae Curriculo," 302.

⁹ Cf. Costello, *The Political Philosophy of Luis de Molina*, 5/6.

¹⁰ Cf. Stegmüller, *Geschichte des Molinismus I: Neue Molinaschriften*, 4*.

¹¹ Cf. Costello, *The Political Philosophy of Luis de Molina*, 6/7.

¹² Cf. Stegmüller, *Geschichte des Molinismus I: Neue Molinaschriften*, 10*, who mentions 356 folios, sig. Evora 118-1-6.

¹³ Cf. *ibid.*, 69*.

¹⁴ Cf. Costello, *The Political Philosophy of Luis de Molina*, 7/8.

¹⁵ Stegmüller, *Geschichte des Molinismus I: Neue Molinaschriften*, relates in detail the questions Molina worked on (5*-7*) and the corresponding manuscripts (10*-13*).

the *Concordia* (1588), and later into the six volumes of *De iustitia et iure* (1593–1613).

Indeed, the lion's share of Molina's creative philosophical and theological work was done during the 15 years he spent at Evora, whereas the rest of his life was consumed by the struggle to publish his works and the defense of his *Concordia*.¹⁶ Presumably after a falling out with the chancellor of the University of Evora, Peter Paul Ferrer,¹⁷ Molina moved to Lisbon sometime between 1584 and 1586, where he remained until returning to his place of birth in 1591. At Cuenca he managed to publish the aforementioned commentary on the *Prima Pars* and the first three volumes of *De iustitia* (1593, 1597, 1600), as well as reworking the *Concordia* into a second edition (Antwerp: 1595). He left Cuenca in April 1600 for the newly founded chair of morals offered to him by the Society of Jesus at the college of Madrid, where he died of dysentery in October of that year.

II. IN-BETWEEN THEOLOGY AND PHILOSOPHY: THE CONTROVERSY ABOUT DIVINE GRACE

According to James Brodrick, after the publication of the *Concordia* "Molina's name was as familiar in universities, seminaries and academies and other places throughout Europe . . . as the name of St. Augustine himself."¹⁸ Mentioning Augustine in this context is quite appropriate: even if the *Concordia*, technically speaking, is a 600-page commentary on just a few articles of Aquinas's *Prima Pars*,¹⁹ Augustine surely was the major figure and, indeed, Molina's most quoted authority. This should come as no surprise for at least two reasons. First, the bishop of Hippo opened the can of worms comprising the theological concept of divine grace and the compatibility of foreknowledge, predestination, and human freedom. And given that he was a recognized teacher of the Holy Church, simple acceptance or shrewd interpretation of his doctrine was imperative. Second, most of the principles of a renewed Christian faith, namely a revitalized church which the reformers, especially Martin Luther, held, were based on Augustine's teachings. This meant they were claiming an authenticity

¹⁶ Cf. *ibid.*, 8*.

¹⁷ Cf. *ibid.*, 9*.

¹⁸ Quoted after Costello, *The Political Philosophy of Luis de Molina*, 10.

¹⁹ Namely q. 14, a. 8 and 13; q. 19, a. 6; q. 22, a. 1–4; q. 23, a. 1–5; cf. *Concordia* (Rabeneck), Prolegomenon IV, 64*.

superior to the scholarly tradition as represented by Thomism. It might not be completely misleading to put down the intellectual core of the reformatory controversies to a struggle for the real Augustine. So, a very short sketch of his doctrine as finally held from *Ad Simplicianum* (397) up to *De correptione et gratia* (426/7) might be welcome.²⁰

In Adam, God created man in a primeval state of grace. So mankind initially has been predestined for glory. Because this state inherently belongs to man, it is not subject to temporal or other conditions as, for example, merits are. Therefore, man, as he has been created, in his pre- or supralapsarian state, is universally bound to be glorified without limiting conditions. Since God made man in his image, he gave him a free will. The free will enables man to remain in his primeval state of grace or to fall out of it, since the will is a completely indifferent means to choose and follow one's desires and is not necessarily determined by reason, as Augustine teaches in *De libero arbitrio*. As it happened Adam sinned, and God, according to his justice, had to damn the whole of mankind. Since God is not only just but also merciful, some will be saved. However, this salvation is not attributable to justice, but rather exclusively to grace. God's own decision to free some people from damnation and to leave the rest alone predestines the former group in their post- or infralapsarian state to glory without necessarily predestining the latter group to damnation.²¹ Because the to-be-saved people are actually part of the *massa damnata*, which is mankind, again, there cannot be any conditions that cause or even support salvation which are dependent on man himself since he has already been damned. Therefore there is neither space nor use for any actual or even future merit rooted in man's own will and brought about by man's own power which could function in any, even in the most remote sense, as a condition of man's salvation. If there are acts being merits, they are the consequences of postlapsarian predestination and vice versa. So, God's predestination of the fallen encloses not only the potential to do meritorious works but also the works themselves. Therefore the chosen are not only able to be saved but they will be saved by the grace of God. His predestining grace, on the one hand, is irresistible, and, on the other

²⁰ The following exposition of the different theories of predestination draws heavily on the excellent work of Manfred Biersack, *Initia Bellarminiana: Die Prädestinationslehre bei Robert Bellarmin S.J. bis zu seinen Löwener Vorlesungen 1570–1576* (Stuttgart: 1989), esp. 112–52.

²¹ The concept of double predestination was defended, at first, by Gottschalk the Saxon (cf. his writings *De predestinatione* in Godescalc d'Orbait, *Œuvres théologiques et grammaticales*, ed. D.C. Lambot, OSB [Louvain: 1945]) who, of course, refers to Augustine.

hand, completely independent of human will and action. This *praedestinatio ante praevisa merita* implies that even possible merits foreknown by God do not condition man's redemption for the reason of man's actual damnation. Still, the irrelevance of foreknown merits does not imply the irrelevance of God's foreknowledge and much less its imperfection. The whole story just mentioned, in the eyes of God, is not a temporal narration but a logical sequence *in ordine intentionis*, which he knows eternally. Consequently, human merits are irrelevant *in ordine intentionis* only insofar as they relate to the question of predestination but not *in ordine executionis* concerning man's actions on his way to predestined salvation.

In Molina's day and age, three interpretations of this doctrine were particularly popular. The first one may be called finalistic and is indifferent to supra- or infralapsarianism. Developed by Thomas Aquinas, finalism focuses strictly on the universal goal of all created rational beings (i.e. eternal life). Predestination, according to Aquinas, is independent of the actual state of predestined creatures since the concept relates just to the *terminus ad quem*.²² Furthermore, predestination is not a generic term in its own right but a special kind of general providence establishing a singular practical order over the whole creation manifest in rational creatures' disposition for eternal life. As this goal is not a temporal one, man is incapable of realizing such disposition on his own. It necessarily transcends his active powers, so God has to send (*destinare*) him to his supernatural goal. But, since universal order was established before creation in God's mind, man as well has been sent before individual existence (*prae-destinare*). Because man possesses a natural disposition to a supernatural goal transcending his active powers, that natural disposition itself is the first grace God has given to man universally per *voluntatem antecedentem*.²³ However, God has to lend him supernatural support in order to realize this disposition according to universal order. It is this supernatural assistance that is called efficient grace. Since God's first supernatural acting on an individual person per *voluntatem consequentem* already functions as a second cause of the next supernatural means (*medium salutis*) to salvation, enabling her to proceed in good works (i.e. through the different

²² STh. I, q. 23, a. 1, obi. 3.

²³ The distinction of antecedent and consequent will is firstly made by John of Damascus (*De fide orthodoxa*, ed. E.M. Buytaert [Leuven: 1955], II, 29). The first one's object is the universal destiny of a kind of thing according to its essence, the second one's is the particular destiny of an individual according to his temporal existence. To paraphrase Aquinas (STh. I, q. 19, a. 6, ad. 1): by his antecedent will God wills man's life, but by his consequent will he wills the murderer's death.

stages of grace leading to salvation), Aquinas's concept of predestination as rational creatures' special providence tries to integrate both *liberum arbitrium* and *praedestinatio ante praevisa merita*. As an individual's faculty to bring about meritorious effects in the way of a second cause has its first cause in God, the individual's own acting is at least a necessary condition for salvation. Against his own intention, Aquinas's finalism as understood by the famous metaphor of the arrow flying toward its target still seems to leave the question of the efficiency of grace open: either the divine archer starts with his first supernatural acts, a causal chain which cannot be broken, and man's free will is just an instrumental second cause for eo ipso unmerited salvation fulfilling God's eternal plan (*praedestinatio ante praevisa merita*)—as it were just an object worked on by God (an interpretation which looks suspiciously like determinism)—or a second cause arises, which perhaps disturbs the arrow's trajectory. If the latter is the case, man's free will must be capable of suppressing these hindering second causes by producing secondary effects of its own. According to that synergistic model the efficiency of God's grace depends on man's acceptance or cooperation caused by his free will (*praedestinatio post praevisa merita*).

After Aquinas's finalism even deterministic and synergistic models were defended as well. Paradigmatic positions were held by John Duns Scotus and Gregory of Rimini. Scotus's theory is supralapsarian concerning predestination and infralapsarian concerning reprobation as well as individualism right from the start. His individualism relates to the notion of antecedent will. God's antecedent will includes the particular *antecedentia ad salutem*, which he offers any individual person during his existence, for example, Paul or Judas. Any individual person has, according to Scotus, the power to either accept God's merciful gifts by meritorious deeds and to affirm in this way his antecedent will or to reject them and to negate in this way his antecedent will. Therefore man, by means of his own free will, has the power to hinder God's antecedent will, thereby preventing its correspondence with his consequent will. Evidently, negating God's will is, according to Scotus, to sin anyway. Thus to be predestined is to accept God's antecedent will, and the acceptance or rejection thereof is foreknown by God. But foreknowledge of acceptance, according to Scotus, is logically prior to foreknowledge of rejection, since it presupposes the permission to sin. Therefore, Paul is predestined to glory eternally, that is, before original sin and therefore before having his own capacity to sin, whereas Judas is reprobated after original sin and even after his own actual sin without ever having been predestined to glory.

In contrast to Scotus and even William of Ockham, Gregory of Rimini roots out every synergistic trace. According to him both predestination and reprobation are supralapsarian: actual individual sin follows in *ordine intentionis et executionis* God's decision as well. Nearly indiscernible from Gottschalk the Saxon's doctrine of double predestination, Gregory's Augustinian model amounts to hard determinism. The fact is corroborated by his criticism of Aquinas's understanding of God's antecedent and consequent will interpreting 1 Tim. 2:4.²⁴ Observing that Timothy uses the indicative in the present tense, Gregory infers, going against Aquinas, that this grammatical form cannot indicate universal *velleitas*, the efficiency of which depends on certain conditions and has to indicate an individual volition. Yet, according to Aquinas, such a thing is an object of the consequent will, so that Aquinas totally reverses John of Damascus's intention. On the contrary, according to Gregory, God's antecedent will is the concrete volition to choose or not to choose one individual person for salvation, whereas his consequent will only includes his will to punish the sinners justly. Since predestination to glory is an act of grace, and predestination articulates God's will actually and eternally, his grace is irresistibly efficient.

So the stage is set for the controversy *de auxiliis* which shall be presented according to the standard work of Gerardus Schneemann's.²⁵ Although it occupied the biggest, even Protestant part of Christianity, it was fought out mostly by two parties: enter on the left corner the Ordo Praedicatorum, defending Aquinas's, or presumably better Thomistic²⁶ finalism, and connected with it his mild anthropological pessimism. Enter on the right corner the Societas Iesu, defending the Scotus-topping synergistic model laced with the strong anthropological optimism developed by Luis de Molina.

The quarrel's fulcrum is the compatibility of the infallibility of divine grace with human free will being essentially fallible, this fallibility consisting

²⁴ "Deus omnes homines vult salvos fieri et ad agnitionem veritatis venire."

²⁵ Gerardus Schneemann, SJ, *Controversiarum de Divinae Gratiae Liberie Arbitrii Concordia Initia et Progressu* (Freiburg im Breisgau: 1881). The following short account exhibits a quite condensed abstract of this work. Special footnotes are just inserted in case of citations (esp. wordly translations). Schneemann published an even shorter German version of his study: *Die Entstehung der thomistisch-molinistischen Controverse: Dogmengeschichtliche Studie* (Freiburg im Breisgau: 1879).

²⁶ Schneemann draws a sharp distinction between Aquinas's own and Thomistic teachings (cf. *Controversiarum*, 55). Even if this question is not to be decided here, Schneemann at least seems to observe rightly that Aquinas never teaches physical predestination "openly and perspicuously" (*ibid.*, 54).

in its power to refuse grace against man's best interest. Thomism favors an intrinsic solution: infallibility inheres grace on account of God's omnipotence. Since grace flows out of divine will and since every event which does really happen is eternally predetermined according to divine will, every creature is a means to God's will. As it is according to the first interpretation given to Aquinas's example of the archer, creaturely will participates in causal efficiency of divine will by "*activa applicatio potentiae ad actum*."²⁷ Since predetermination as efficient cause precedes both the single will's potency to act and its acting, thereby wholly determining its nature, it is called physical. So, *praedeterminatio physica* is working independently from creaturely freedom, and divine grace is irresistible. However, even if free will necessarily determinates itself just in the way it is predetermined to, it does not lose his potency to refuse divine grace. Just actualizing that potential will be excluded. Therefore physical predetermination, on the one hand, does not eliminate freedom of will but, on the other hand, there will be no actual moral cause by which man's reason moves his will since any predetermined volition will be brought about necessarily because its nonoccurrence is metaphysically impossible.

By contrast, Molinism teaches an extrinsic solution: divine grace becomes infallible by God's prescience. With his *scientia media* God knows that a certain single person under certain circumstances will accept his grace, and he has decided to give her that grace thereby operating as some physical and moral cause of her actual volition. But he has not willed this volition yet, leaving it to the person to decide upon accepting or refusing grace. Therefore, God knows what he is going to will and, for this reason, he knows what is going to happen but, impossibly, he cannot know about himself having willed it yet. This way he leaves the occurrence of the person's decision metaphysically in the open by maintaining real indifference of her will and, at the same time, contingency of the event. So, efficiency of grace is threefold: it empowers the person's will to accept it; depending on will's free assent it causes success; and this it does infallibly thanks to God's middle science, the object of which is will's free decision. But nothing of that amounts to metaphysical necessity. Therefore, according to Molinism, infallible efficiency of divine grace is metaphysically contingent but epistemically ("morally")²⁸ necessary. So, unlike as it is with physical predetermination, the Molinistic model allows for different reactions by

²⁷ Ibid., 11.

²⁸ Cf. *ibid.*, 16.

different persons on one and the same gift of grace: Judas may refuse it—leaving grace just sufficient—and Peter may accept it—thereby making grace efficient.

Always assuming the possibility of true counterfactuals of freedom,²⁹ the difference between the two parties might be put, philosophically, as follows. Whereas, according to the Thomists, divine grace by physical predetermination is metaphysically sufficient for its intended effect, according to the Molinists it serves as a metaphysically necessary condition of its possible effect. And it is only taken together with an accepting act of will that divine grace brings about the intended effect. So, divine grace and acting creaturely will are each metaphysically necessary and sufficient just taken together thereby causing the effect. Therefore neither the first cause—God—nor the first act—his giving grace—function as determining efficient cause of both the second possible cause—man's will—and the second possible act—will's accepting. On the contrary man's will is left indifferent to determinate itself to its own acts including the real or metaphysical possibility of refusing grace. This way creaturely will is free to act as second cause literally on its own hand since the possible effect cannot be brought about by the first cause itself. It seems to be exactly this point which makes the whole difference between both positions. For even if physical predetermination leaves the pure potentiality of creaturely will untouched, still, its actualization is metaphysically possible just in one way only, that is the one predetermined. And, as the Molinistic objection runs, this kind of formal freedom, first, contradicts the notion of ability since it entails the real potential to act in both ways and, second, it does not legitimate moral accountability which entails metaphysical potentiality to the opposite act. Therefore, the Thomistic model maintains strict determinism and eliminates human freedom. Even if one acknowledges the Thomistic defense that God predetermines man to free decision and, thereby, generates freedom by his physical determination, this argument does not look particularly satisfying: it proposes, on the one hand, the metaphysical impossibility of the opposite act *per omnipotentiam Dei* and, on the other hand, the real possibility of the opposite *in determinatione ad unum partem contradictionis*. So, as Schneemann puts it not without sarcasm: “regarding the difficulties in reconciling infallibility of the act

²⁹ This question directed at the core of middle science rules the philosophical discussion on Molinism since its rediscovery by Alwin Plantinga; cf. Ken Perszyk (ed.), *Molinism: The Contemporary Debate* (Oxford: 2012).

with freedom no one needs to wonder that such mystery must not be scrutinized, but has to be believed as it is with Holy Trinity.”³⁰

This special variant of Thomism was founded by the Dominican Domingo Bañez (1528–1604), confessor of St. Theresia of Avila and, since 1580, *primarius professor theologiae* at the University of Salamanca. As, during his time, Bañez was doubtlessly the most important and greatest—and even, perhaps, the most consequent—adversary of Molinism, a quick survey of his teachings might be appropriate. These were developed in defense against the decline of authentic doctrinal interpretations of Aquinas that Bañez believed to be promoted by the rise of Jesuitic thought, which was already under papal protection, especially by the bull *Ascendente Domino*.³¹ Of course, the following exposition³² does not intend to settle or even to touch the question as to whether Bañez’s claim for authenticity concerning his interpretation of Aquinas is legitimate.

The root of Bañez’s theory is the determining function of God’s omnipotent will. According to Bañez, God himself is determined by his own will from eternity, that is, regardless of any creaturely will. So, both the being and acting of any creature is predetermined by the will of God with efficient causality, as any modification or hindrance of his causal activity would exhibit gross imperfection and would contradict his absolute causal priority. For the same reason God’s knowledge of creaturely acts is absolutely prior, since he recognizes these acts solely as they are determined by his will. Within Bañez’s model prescience does not pose any serious problems. Now, determination makes it impossible that the act determined does not occur. It occurs therefore with conditioned necessity, its condition being God’s determining will. This account holds for every single act, whether it be good or evil. If an act should be evil it is but its exertion by mental or physical motion which is caused by God’s willing. However, God does not cause moral guilt connected with an evil act—i.e. sin—as he just permits sin, thereby bringing about some greater good, especially justice as we shall see in a moment. Since sinful acts are known to God by his determining will, from refusal of determination to morality inevitably follows sin.

³⁰ Schneemann, *Controversiarum*, 29; reading this passage one should not forget Schneemann’s own membership in the Societas Jesu.

³¹ On Bañez’s letter to Clement VIII concerning the wished for withdrawal of the bull cf. *ibid.*, 196–99.

³² Again, my presentation draws heavily on Schneemann’s work (esp. *ibid.*, 203–17) which gives a multitude of citations from Bañez’s commentary on Aquinas’s *Summa theologiae*.

Evidently, this seems to erase creaturely freedom completely. Not just from a Molinistic point of view two questions are to be posed: First, is there any possibility to act morally without efficient grace or predetermination by the will of God? Second, is there any possibility to omit predetermined acts? Concerning the first question, Bañez draws a sharp distinction between being able to act (*posse*) and to act (*agere*). The lack of efficient determination cannot and does not destroy man's natural or essential ability to act. Therefore man is able to do as he should and he takes the blame if he does not do so. Since God's prescience derives from determination of his will, man's predetermination to act is established prior to God's knowledge about man's guilt. The second question Bañez answers by defining the range of predetermination. God's willing does not determine creaturely will to a certain act alone, but to free exertion of the selfsame act as well. And by determination to act freely, man's creaturely nature, which is free by essence, cannot be violated. Since free will is based on indifference of intellectual judgment about possible means to a necessary end, again, freedom can be maintained. Even more, by determination of creaturely will to act freely, God actually generates man's freedom of will. Certainly, the act predetermined occurs with necessity but it is done in relation to something (*secundum quid*) different from man's essence (i.e. his end which is defined under condition of predetermination), so that it does not flow from his very nature remaining essentially free.

As man's predetermination to an end is equivalent to either predestination or reprobation, and as God's predeterminating will precedes his knowledge of man's actions, both predestination and reprobation are solely founded in God's own will. Therefore both possible ends do not depend on external causes different from God's will: neither life eternal nor damnation depends on man's actions. But even then God is not to blame for man's damnation. Since refusal to predestine is sufficient for reprobation and no kind of predetermination does away with creaturely freedom, reprobation consists just in permission to miss the goal of creaturely freedom. And by punishment of that defect God reveals his justice as he does so with his mercy by elevation of the predestined.³³

³³ Cf. Bañez, Comm. I. p., q. XXIII, a. 5: "Habemus itaque, quod isti effectus reprobationis non sunt ad invicem ordinate in ratione causae et effectus, sed omnes simul ordinantur ad unum finem, scilicet omnes simul et collective ordinantur ad hunc finem intentum a Deo ad ostensionem iustitiae suae et ad ostensionem mairis misericordiae erga praedestinos" (cit. after Schneemann, *Controversiarum*, 210/11).

So, if predestination and reprobation serve the only purpose of revealing God's attributes, reprobation presupposes sin neither by foreknowledge nor by act. Arguing in this way, Bañez recasts the whole concept of permission, thereby, at the same time, making the theory of middle science superfluous. Understood traditionally, permission denotes prescience of an evil deed without its prevention.³⁴ Using middle science God knows that a certain person will commit sin under certain circumstances, although a certain degree of grace sufficient for omitting sin voluntarily will be given to her. On this condition, permission to commit sin is equivalent to its nonprevention by a greater gift of grace and exertion of the sinful act depends on the person's own free decision because sin could have been omitted. According to Bañez, however, permission precedes creaturely will as predestination or its refusal precedes any kind of prescience. By negating middle science, therefore, Bañez denies man's real possibility to act otherwise, too, clinging to the somewhat mysterious concept of the kind of formal or essential freedom above outlined which entails metaphysical impossibility of nonoccurrence of predetermined acts. Since from refusal of predestination follows inevitably sin, God's predetermined permission entails the metaphysical impossibility of omitting sinful acts. And Bañez is even honest enough to draw the logical conclusion from that concept: God "has made a man whom He willed to permit being impious for the reason that on judgement's day He shall reveal His justice by this man's damnation."³⁵

Even aside from these harsh theological consequences, the philosophical gap between Molinism and Bañezism could hardly be wider. Concerning free will, Molinistic indeterminism stands against Bañez's model which, if not outright deterministic, is at least compatibilistic, as it proposes the compatibility of essential freedom with the impossibility to act otherwise founded on predetermination. Both positions raise eminent metaphysical problems. Bañezism, on the one hand, seems to blur the borders between logical and metaphysical modality by stating potentiality even where actualization of one contradicting potential is metaphysically impossible. On the other hand, in addition to the notorious problem of mere logical possibility of true counterfactuals of freedom, Molinism has to counter the classic objection of violating the principle of sufficient reason, eventu-

³⁴ Cf. Schneemann, *Controversarium*, 211.

³⁵ Bañez, Comm., I. p., q. XXIII, a. 3: Deus "eatenus crea(vit) hominem aliquem, quem voluit permittere impium esse, ut in die iudicii ostenderet iustitiam suam in eius condemnatione iusta" (cit. after Schneemann, *Controversarium*, 212).

ally being the base of the modern argument from chance which proposes indistinguishability, and therefore identity, of indeterministic freedom with pure chance. So, it should not be surprising that a theological debate between two Christian orders around four centuries ago remains of philosophical interest today. There are, at least, three fundamental systematic questions lying at the philosophical core of the controversy *de auxiliis* which are most originally posed and answered by Molina's *Concordia*.

The first of these questions is the extreme, indeed, absolute range, of liberty that Molina grants to human individuals. According to him liberty subsists in man's free will, a will which enables him to decide between actual alternatives in all possible situations even under the same external and internal conditions, including his own desires and beliefs, the whole of natural circumstances, God's supernatural foreknowledge, will and grace. In an analysis of the first part of the *Concordia* Alexander Aichele discusses how Molina argues for both the logical and real possibility of such a notion of liberty being both incompatibilistic and indeterministic. The second systematic question has been the subject of intense debate over the past few decades and is now acknowledged as the official beacon of modern Molinism.³⁶ Its object is the classical "Dilemma of Freedom and Foreknowledge,"³⁷ which requires an explanation for the possibility of truth definite and independent knowledge of future contingencies without determining contingent (i.e. free agents by logical necessity of propositions being eternally true). Molina's (in)famous concept of *scientia media* is scrutinized by Petr Dvůrák. The third question is posed by the special form of causal interaction between necessary and contingent powers—i.e. first and second cause(s)—which must be assumed in order to explain the actions of free agents. This topic is discussed in several chapters in this volume, among others by Juan Cruz Cruz.

Alexander Aichele takes up the challenge of the critique by Leibniz and others that freedom of the will in the sense of indifference violates the principle of sufficient cause, first differentiating the senses of *libet* that are relevant and making clear that Molina's use is closely connected to the idea of an imputability of action. He then presents Molina's arguments against Gregory of Rimini's thesis of a necessary special concurrence of God's will in all human actions and shows his defense against

³⁶ Cf. Perszyk, *Molinism: The Contemporary Debate*.

³⁷ Such is the title of Linda Trinkaus Zagzebski's classical study (Oxford: 1991) which makes for a wonderful introduction to this somewhat tricky subject.

the charge of Pelagianism. Molina draws on a whole line of arguments for the thesis of absolute freedom of the will, which he has to defend against philosophical suspicions of self-contradiction between his positive thesis and his refutation of Pelagianism. Above all, he has to explain how it is possible to avoid sinful actions at any given moment without concluding that this is possible for a longer period of time, and goes on to find arguments against a position he defines as Ockhamist. Aichele diligently goes through this subtle argument and its numerous ramifications showing the rational nature of Molina's position.

In the section on divine knowledge of future contingents, Petr Dvůrák starts "canonically" with the Aristotelian treatment of propositions concerning future events in *De interpretatione* 9. Here, it is made clear that according to the rules of Aristotelian logic and semantics these propositions cannot have truth-values as long as the corresponding state of affairs does not obtain, except for the cases in which this state of affairs is determined in the sense that there cannot be any cause preventing it from obtaining; a condition that is weakened by the scholastics in the sense that there will not be any such cause. This allows for the formulation of a general, "time-independent" principle according to which any logically contingent statement is true, if and only if, the corresponding state of affairs is an effect, all of whose causes are determined. The weaker version of this condition requests that the corresponding state of affairs will obtain at some point in time. Dvůrák aligns the varying scholastic solutions to the problem of future contingents along the decision between one of these versions of the principle and argues for the thesis that, contrary to the majority of his fellow Jesuits, Molina holds the strong version of the principle. For this, he has to explain the different kinds of knowledge God has from eternity of different contingent events, natural knowledge, and special knowledge, just to ensure absolute freedom of the human will. Furthermore, he shows that Molina's way of ruling out God's foreknowledge of his own decisions, which would preclude his freedom, causes serious theoretical problems.

Juan Cruz Cruz analyzes Molina's notion of divine predestination in his texts as well as in the works of the first generation of thinkers influenced by him. The main task Molina faced consisted in reconciling the divine act of foreseeing future events and attributing free choice to rational agents. In contextualizing Molina's stance with the theory of predestination set forward by Thomas Aquinas, he shows that divine teleology not only fails to exclude moral responsibility, but is the proper cause for bestowing grace upon rational agents based on their choices. Apart from Molina's

own theory, Cruz emphasizes his role in the First Molinism, thus setting forth a compelling picture of how the debate regarding predestination and free will developed in authors like Lessius and Suárez, among others. His chapter shows that Molina's originality consists in a theory of consequent predestination in which God's teleological "pull" comes into effect once rational and free agents have chosen the means and ends of their actions so that, in the end, grace can be bestowed upon someone based not only on divine foreknowledge but more significantly on the merits regarding individual free actions.

III. RIGHTS, LAW, POLITICS, ECONOMY

Molina lives and writes in times that are characterized—especially as far as the seafaring regions are concerned—by globalizing (and colonializing) politics, by a globalizing economy, and by crystallizing nation-states. The *ius gentium* gradually gains a certain independence from the *ius naturale*—having been identified with it in Roman law as well as in medieval approaches³⁸—until it is labeled "inter-national law" 200 years later by Jeremy Bentham.³⁹ Like other authors dealing with the just mentioned situation of 16th-century Spain and Portugal from a moral and legal point of view, Molina had to adapt the conceptual framework taken from the scholastics, humanism, and Roman law to these conditions, which he did in a special way: the pivotal meaning of *ius* in his approach to political, economic, and legal theory is neither natural law nor state law but the right of a natural (or legal) person.

Frank Costello's statement that with the exception of economy Molina's contribution to the social sciences has not received very much attention in the last two centuries, especially compared with the theological discussions fired by his *Concordia*, is still valid after nearly 40 years.⁴⁰ From this, however, one should not conclude that this text remained unread and without reception early on, especially given the numerous editions published of the work in which it is mostly contained, the voluminous *De iustitia et iure* (DIEI). Its origins go back to Molina's commentary

³⁸ Suárez already differentiates between a *ius gentium*, which is not eternal like natural law but almost everywhere valid, and a *ius inter gentes* in the strict sense, Francisco Suárez, *De legibus ac Deo legislatore* (1612), Edición crítica Luciano Pereña (Madrid: 1971ss.) II xix 8.

³⁹ Cf. M.W. Janis, "Jeremy Bentham and the Fashioning of 'International Law,'" *The American Journal of International Law* 78 (1984): 405–18.

⁴⁰ Costello, *The Political Philosophy of Luis de Molina*, 14ff.

on Aquinas's *Secunda Secundae* in the 1570s, a long passage of which—commenting on question 40, *De Bello*—was transcribed and published by R.D. de Lamadrid in 1939 and with a few corrections by Justenhoven and Stüben⁴¹ again in 2006. While the publication of the comprehensive work was planned in the early 1580s, the first volume containing the first tractate as well as 251 disputations of the second tractate was printed in Cuenca in 1593. The second and third volumes followed in 1597 and 1600 respectively. Only in 1609, nine years after Molina's death, had the entire work as we know it today been printed. While well over ten editions had been published in cities like Venice, Mainz, Antwerp, and Cologne during the first half of 17th century, whether as individual volumes or the entire corpus, followed by the *editio novissima* published in Mainz in 1659, there was a 74-year gap until the 1733 Geneva edition—which remains the most recent—appeared.⁴² Given the sheer number of editions printed, it should come as no surprise that *De iustitia et iure* could be found in many libraries throughout Europe and Latin America.⁴³

The arrangement of the work is somewhat confusing, for it is structured into five treatises and six “tomes” (*opus in sex tomos divisum*) spread throughout five volumes, because volume V contains tome five and six. While parts of the three structures run parallel to each other, there are indeed differences: the first treatise deals with justice in general (*De iustitia in genere*) and the second treatise, containing nearly half of the entire opus, deals with commutative justice regarding external goods. This includes general definitions of the concepts of right, *dominium*, possession, property, as well as reflections on the necessity of property rights

⁴¹ Luis de Molina, “Quaestio 40 de bello,” ed. R.S. de Lamadrid, in *Archivo Teológico Granadino* 2 (1939): 163–231; ed. with German translation by H.-G. Justenhoven, J. Stüben, in: *Kann Krieg erlaubt sein?* (Stuttgart: 2006), 212–344; on Molina's theory of war see the contribution by João Fernandes in this volume.

⁴² Unfortunately, the list of editions provided by Frank Costello, l.c., 18 n. 59 is neither complete nor entirely accurate. For example, the 1614 Mainz edition was not mentioned, and the Venice edition is from 1611, not 1614.

⁴³ Because of the large number of editions, some of which are not easily accessible, we decided to give the quotations from DIEI in this volume with something along the lines of a concordance system: using (1) the first edition of the first three volumes from Cuenca and the edition of volumes IV and V (Antwerp: 1609) as arranged by his Jesuit brothers from the *collegium* of Madrid, (2) the editions de facto employed by the authors of this volume, and (3) the quotation with treatise, disputation, and number, as they are to be found in the Mainz editions from 1614 and 1659 as well as in the Geneva edition. For pragmatic reasons we will mention first treatise, disputation, and number, then column and the part of the page signed with the letter A, B... finally the columns of the Venice and/or Cologne edition.

and state power, on the justification of slavery, on the theory of war, on heritage, and an entire volume devoted to contracts and disputations on “majorates,” tributes and different kinds of conflicts concerning external goods (*de delictis & quasi delictis*). The first treatise and 251 disputations of the second are to be found in the first volume, which is also the first tome, labeled *De iustitia et iure*. Disputations 252–575 of the second treatise comprise both the second volume and second tome, titled *De Contractibus*. The next 104 disputations of the second treatise are the first part of the third tome, under the heading *De majoratibus et tributis*, while disputations 680–760 of the second part deal with theft, robbery, tort, and restitution. The fourth tome in the fourth volume contains the third treatise, which is dedicated to commutative justice regarding our bodies and the persons connected to us (i.e. to important parts of penal law). Volume V consists of the fourth treatise, identical with tome five, and is concerned with commutative justice with respect to honor, fame, and spiritual goods. Tome 6 (i.e. treatise five), also to be found in volume V, deals with the topic of judgment and the execution of justice by public powers. Despite the messy numbering, the systematic structure of the text is more or less clear—and original. One of its most striking features is the emphasis on the concept of right in contrast to that of law.

Molina’s relevant definition of *ius* in the first disputation of the second tractate, after he had provided an account of the different meanings of this term and *iustitia* in the first tractate, states that it cannot be better understood than as “a faculty to do or have something or to maintain it or to behave in any way such that if it is hindered without legitimate reason an injury is done to the person who has it.”⁴⁴ It might be tempting to reduce the radical difference between Molina’s account and that of his fellow Jesuit Suárez in *De legibus ac Deo legislatore* to the *factum brutum* that Suárez is commenting the lex-treatise in quaestiones 90ff. of the IaIIae of Thomas Aquinas’s *Summa theologiae*, even if he considerably alters the Thomist hierarchy of eternal law, natural law, and human law, giving, for example, a merely metaphorical sense to the eternal law, whereas Molina claims to deal with quaestiones 57–79 of the IIa IIae. Consequently, Suárez, in a certain sense, works top–down starting with the role of the legislator, while Molina does not systematically treat the topic

⁴⁴ Luis de Molina, *De iustitia et iure*, ed. *Novissima* (Moguntiae: 1659), tract. II, disp. 1 § 1: “Nec video posse ius in ea acceptione commodius definiri quam si dicamus. Est facultas aliquid faciendi, sive obtinendi, aut in ei insistendi, vel aliquo alio modo se habenti, cui si sine legitima causa contraveniatur, iniuria fit eam habenti.”

of legislation until the last treatise and the last volume of his magisterial work. But this is an oversimplification of the issue. That commenting on the questions of justice from the *secunda secundae* in no way necessitates an approach via the special meaning of *ius* chosen by Molina as the central concept can easily be seen by comparing his works with those bearing same title by authors like Soto, Lessius, and others.

While this might be said to imply another oversimplification, perhaps it is more useful to say that Molina's approach follows the necessities of a globalized world, especially concerning the field of economics, while Suárez sets the stage for the theory of the nation-state. Molina's methodological decision not to take "law" but "right" as the fundamental concept of his juridical theory, which he made in the early dawn of the era of the nation-state, is therefore of special interest for as we are facing its dusk in postcolonial times.

If we speak of a rights-based theory of law with respect to Molina, it is only with reference to this *ius* in the sense of right, as the definition we quoted is nearly identical to Achenwall's first definition of a *ius subjective sumtum*.⁴⁵ We neither wish to imply that Molina is a direct predecessor of Ronald Dworkin,⁴⁶ nor do we think that his usage of *ius* strictly follows the mechanics of Hohfeldian analysis of rights in the sense of claims, liberties, powers, immunities, and so on (in the same way in which quantified propositions fit into the Aristotelian square of oppositions), nor that we should try to decide whether he defends a will (i.e. choice theory or an interest theory of rights).⁴⁷ Nevertheless, Molina may have been the first to say that a slave can have a *ius qua homo*, even if the examples he provides have little to do with what was later called human rights (see Kaufmann in this volume).

⁴⁵ Gottlieb Achenwall, *Prolegomena Iuris Naturalis* (Göttingen: 1767), § 44.

⁴⁶ Ronald Dworkin, *Taking Rights Seriously* (London: 1978).

⁴⁷ For a more detailed discussion of the contemporary vocabulary see e.g. Hillel Steiner, *An Essay on Rights* (Oxford: 1994), 58ff., for research on the medieval and early modern treatment of this topic cf. the "classical" contributions—such as Annabel Brett, *Liberty, Right and Nature* (Cambridge: 1997), Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law* (Grand Rapids, Mich.: 1997), Richard Tuck, *Natural Rights Theories* (Cambridge: 1979), Michel Villey, *La formation de la pensée juridique moderne* (Paris: 1968), Hans Welzel, *Naturrecht und materiale Gerechtigkeit* (repr. Göttingen: 1990)—and, more recently, Gerald Hartung, "Verboden des modernen Liberalismus: Zur Entstehung des Konzepts subjektiven Rechts in der frühen Neuzeit," *Politische Metaphysik*, ed. Matthias Kaufmann and Robert Schnepf (Frankfurt am Main: 2007), 239–55, and Matthias Kaufmann, "Subjektive Rechte als Grenzen der Rechtssetzung bei Luis de Molina," in *Kontroversen um das Recht. Beiträge zur Rechtsbegründung von Vitoria bis Suárez*, ed. Kirstin Bunge et al. (Stuttgart Bad Cannstatt: 2012), 291–311.

It is precisely because of this pivotal character of the concept of right that this topic is treated with such intensity in this volume. First, its relation to another central term of medieval and early modern discussion—i.e. *dominium*—with its different meanings, especially its use in the sense of property, will be scrutinized by Jörg Tellkamp. Annabel Brett goes on to show its connections to public law and state power, while João Fernandes refers it to Molina's theory of war. Matthias Kaufmann presents Molina's treatise on slavery, one of the longest and most extensive in his day and age, containing the alleged right to enslave a human being but also the rights of slaves.

Molina uses his concept of right intensively when he discusses property and contracts, general economic topics to which Rudolf Schüssler's chapter in our volume is dedicated. Costello's remark that Molina's economical writings are the only part of his contribution to social sciences that have been broadly discussed is at least as true today as it was in the early 1970s. In addition to Marjorie Grice-Hutchinson's and Wilhelm Weber's early works in this field,⁴⁸ we have a number of works by Alejandro Chafuen and Francisco Gómez Camacho, a recent monograph by Diego Alonso Lasheras,⁴⁹ and a translation of Molina's long treatise on money by Jeanne Emery with an introduction by Gómez Camacho.⁵⁰ Central topics are the problem of usury, especially with respect to interest and lending money, the theory of just prices, and monetary theory,⁵¹ fields where Molina's contributions are still well respected.

In his chapter, Jörg Alejandro Tellkamp offers a thoroughgoing analysis of the relation between the concepts *iustitia*, *ius*, and *dominium*. To this end, he combines the historical context of previous discussions in Bartolus de Sassoferrato, Jean Gerson, and Conrad Summenhart, as well as in contemporary authors such as Domingo de Soto and Domingo Bañez, with

⁴⁸ Marjorie Grice-Hutchinson, *The School of Salamanca: Readings in Spanish Monetary Theory 1544–1605* (Oxford: 1952); Wilhelm Weber, *Wirtschaftsethik am Vorabend des Liberalismus: Höhepunkt und Abschluß der scholastischen Wirtschaftsbetrachtung durch Ludwig Molina, S.J.* (Munster: 1959).

⁴⁹ Cf. e.g. Alejandro A. Chafuen, *Faith and Liberty: The Economic Thought of the Late Scholastics* (Lanham et al.: 2003), Francisco Gomez Camacho, *Economía y filosofía moral: la formación del pensamiento económico europeo en la Escolástica española* (Madrid: 1998); for a more complete list of relevant publications see the introduction in: Diego Alonso-Lasheras, *Luis de Molina's De Iustitia et Iure: Justice as Virtue in an Economic Context* (Leiden: 2011).

⁵⁰ Cf. Luis de Molina, "Treatise on Money," in *Journal of Market and Morality* 8 (2005): 161–323.

⁵¹ Cf. e.g. Alonso-Lasheras, *Luis de Molina's De Iustitia et Iure*, 126ff., 148ff., 169ff.

a step-by-step presentation of Molina's own arguments. He discusses the numerous ramifications of these concepts (e.g. the meaning of right as law, as justice, and as the faculty to use something or to do something). In contrast to most of his predecessors and contemporary authors, for Molina *dominium* is not to be understood as a species of the genus "right," but rather inversely the concept of *dominium* appears as a necessary, yet not sufficient, condition for the justification of rights. Finally, Tellkamp briefly deals with the different meanings of *dominium* in the sense of property as well as of political power, emphasizing the importance of voluntary consent for both of them.

Annabel Brett begins her chapter on law and power in Molina's work with the observation that his treatment of public law is far less extensive than that of private law. Nevertheless, this work is original, innovative, and influential. Based mainly on the relevant passages in the fifth and second, as well as the first, tractate, Brett shows precisely how Molina enters the Aristotelian and Thomistic frameworks of reflection on the virtue of justice, of commutative and distributive justice, while altering them at several decisive points. This creative engagement concerning these authors represents a revolutionary treatment with the topics of law and power. The special relation between *ius* and *dominium* offers new ways to use the term, whereas power is seen quite traditionally as something necessary for the common good, and not only as an arrangement of individual interests. Brett explains how the different kinds of power in the family and in the commonwealth relate to this idea, how far Molina follows Aristotle in these questions, and where he goes his own way. Of particular interest is the dual approach to political power with a natural perspective on the commonwealth itself and a contractual understanding of its relation to its rulers. A similar dualism can be found with respect to laws, since legislation in itself is connected to the virtue of princes and directed toward the common good, while individual laws can be seen as unjust and, therefore, objectionable by the citizen.

Matthias Kaufmann's contribution deals with the delicate topic of the *dominium proprietatis* of human beings (i.e. with slavery). Firstly, it presents a short introduction to the particular conditions of slavery in 16th-century Spain and Portugal, taking into account the treatment of Indians in the Americas as well as the emerging transatlantic slave trade. Kaufmann then follows the lines of Molina's discussion of slavery in disputations 32–40 of *De iustitia et iure*, which is known to be one of the most comprehensive treatments of this subject during the time of the Spanish scholastics. First, Molina offers a justification of slavery as a whole, before

proceeding to discuss the titles under which the enslavement of human beings is justified; he then reports on the development of the Portuguese slave trade, and finally evaluates the practices of enslavement, slave trade, and slaveholding with a rather critical attitude. It is interesting that he speaks in disputation 38 of a *ius qua homo* of the slave, even if its content is not that of the later developed human rights. Finally, the chapter tries to answer the question as to how far Molina can be seen as an author who paved the way for abolitionism.

The chapter “Molina on War” by João Manuel Fernandes begins with a short introduction on the different texts in which Molina deals with the problem of just war as well as the topics he discusses in a rather complicated manner in *De iustitia et iure*, which is characterized by an “immense casuistry.” Fernandes shows that a central aspect in many treatments of this subject in the 16th and 17th centuries is the perspective of the confessor, who is responsible for the care and well-being of the king’s conscience. The necessity to support the king’s capacity to act responsibly is one of the reasons why it has to imply a pragmatic access referring to many details of current discussions. Fernandes then goes on to present some important characteristics of Molina’s complex theory of war. Here, the salient point is that for Molina war is always a relation obtaining between states, the effect of which is that all members of the state are to some extent liable if they are defeated in a war considered just from the perspective of their enemy. The clause stating that innocent people may not be killed is relativized via the reference to different and varying circumstances such as the limitation regarding the plundering of cities by soldiers “as long as it is possible.” In addition to some remarks on the role of Christianity and the Roman church in the wars discussed by 16th-century authors, Fernandes shows the consequences stemming from Molina’s treatment of war within the context of justice rather than charity. Property takes on a new role in the context of this kind of warfare. Here, not only is it theoretically possible for war to be seen as formally just from both sides, but also the concept of a materially just war emerges, in which the adversary does not have to assume personal guilt, yet is nevertheless required to submit to punishment.

Rudolf Schüssler’s chapter on Luis de Molina’s economic thought provides a survey of Molina’s approach with a special emphasis on *De iustitia et iure*. Molina was the first Jesuit to write such a massive work, setting the pace for subsequent Jesuit discussions. The chapter situates Molina’s economic thought in the context of contemporary treatises entitled “*De iustitia et iure*” and other works of economic importance like Summen-

hart's volume on contracts, before it gives concise descriptions of Molina's views on property, just price, money, and exchange, as well as usury. On the basis of these topics, Schüssler addresses the much-debated question of Molina's liberalism. Molina is shown to be an instigator of new and liberal trends in 17th-century Catholic moral theology, which had a significant impact on economic morality, above all with respect to his views on property and his reluctance toward regulations of prices according to principles of moral theology. While offering a theory of just prices, he is more radical and audacious in his steps toward liberal economics than many of his fellow Jesuits. Nevertheless, it would seem more appropriate to speak of liberal aspects in scholastic thought than to speak of a liberalism *avant la lettre*. All things considered, Molina was one of the most influential early modern scholastic economic thinkers, innovative in the outlines and aims of his work—more so than in the details of economic doctrine.

IV. MOLINA'S MEDIEVAL HERITAGE AND HIS EFFECTS ON THE 17TH AND 18TH CENTURIES

There has been an ongoing debate concerning the question as to whether Molina more or less strictly follows the lines of Thomas Aquinas's thought or whether he left them behind and took up other intellectual, mainly Scotistic viewpoints. As a preliminary result we can state that Molina obviously uses Thomistic vocabulary to a large extent, while at the same time, he sometimes changes the meaning of central terms. Still it is unclear in what field which aspect prevails, for the diagnosis concerning the theology of grace may differ from that of legal philosophy. Two of our volume's contributions take up this question.

Helping the reader to find an intuitive approach to his subject, Romanus Cessario compares the historical situation of Aquinas and Molina respectively given their specific technical, political, and intellectual surroundings. It makes a difference whether you are working with manuscripts or printed volumes, what the geographical conditions of the country you are living in are (e.g. if it is a seafaring, colonializing nation or a destabilized medieval empire with growing cities in agricultural surroundings), whether there is one Christianity in conflict with the Muslim world or whether the Christian world itself is divided, whether you belong to an order which is still in a monastic tradition or one which explicitly takes up the challenges of a rapidly changing political and social world,

engaging in missionary activities all over the world, and so on and so forth. It was the mixture of strict Jesuit discipline, combined with a devotion to the work of Aquinas and their pragmatism, which allowed deviations where it seemed “necessary” that gives a first clue in explaining how a scholar raised in a strictly Thomistic atmosphere could write a work that caused as much controversy as Molina’s *Concordia*. Cessario mentions the “eclectic Thomism,” the contact with late medieval and Renaissance voluntarism (though Molina did not follow it explicitly), and the Jesuit schooling that emphasized human freedom to explain why “Molina distanced himself from both the letter and the meaning of the texts of Aquinas.” He provides some details of Molina’s moves concerning voluntarism and human freedom and ends with a critical view of the Molinist account of the *concursus*, which in his opinion forces God to “become a partner with the human creature he created.”

Jean-Pascal Anfray shows how the general statement that, notwithstanding the institutional devotion of the order itself to Thomas Aquinas and his work, “Jesuit philosophy and theology was undoubtedly the main channel of diffusion for Scotus’s thought in the early modern era” applies to Molina’s theory of human free will and God’s foreknowledge. For this, he does not confine himself to general remarks but gives a thoroughgoing analysis of the structures and different arguments used by both theologians. He starts with a presentation of Duns Scotus’s theory of will, divine and created will, and its relation to the innovative modal concept of synchronic contingency. Moreover, he inserts it into a sketch of Scotus’s special interpretation of time and its consequences for the theory of God’s foreknowledge, including his foreknowledge of sins. Anfray then shows how Molina essentially follows the approach laid out by Scotus, partially overriding Ockham’s criticisms of the latter, and how Molina is aligning himself (against Aquinas) with Scotus’s interpretation of modality as synchronic contingency and comes close to his view of divine foreknowledge. However, the chapter also makes it clear that there are theoretical differences (e.g. with respect to *scientia media*) which have, in Molina’s version, some degree of similarity to the traditional conceptions of divine ideas. Finally, Anfray’s contribution ends by providing an interesting hint regarding a possible Molinist reading of Scotus’s work.

The view presented in this volume concerning Molina’s theoretical influence on developments in theology and philosophy, the *Wirkungsgeschichte*, is focused on two aspects: a “traditional,” and in some sense “necessary,” one that deals with the 17th century, including Leibniz and his followers, and a perhaps more surprising reference to Kant’s short hint

about *Ludewig* Molina, which indicates a deeper correlation between the two approaches.

Having explained why it is difficult to provide a concise definition of Molinism—partially because the debate between Molina and Bañez was part of a “transconfessional” discourse on grace and free will, in which coalitions and dissociations were extremely confusing, partially because Molinism became a common label for a great number of diverging theories—Francesco Piro nevertheless identifies six characteristic elements of Molinism. Among these are free will (in the sense of indifference as well as incompatibilism), anthropological optimism, God’s Middle Knowledge, and the *concursum*. According to different combinations of these elements, Piro comes up with two groups of different versions of Molinism and anti-Molinism, which show just how pivotal these topics were in 17th-century philosophy. The first group of positions is comprised by the anthropological debate on the freedom of will, and had such celebrated participants as Gassendi and Descartes. Piro reflects on the theoretical difficulties of a pure Molinist position and discusses a number of alternatives such as determinism, compatibilism, and, to a certain extent, “holism.” The second group of positions is centered around the questions of Middle Knowledge as well as divine and human concurrence, both of which caused a vivacious debate for decades. Piro concludes that by the end of the 17th century the majority of thinkers accepted a view of God that perceived him more as a father than a sovereign, a view also held by Molina. Nonetheless, we should not consider this a victory for Molina since the philosophical background of the theological debate had changed profoundly.

Wolfgang Ertl continues a line of research not followed very extensively in the secondary literature, namely the dependence of Kantian philosophical theories on scholastic origins, above all with regard to the topic of a possible compatibility of human free will with different kinds of determinism. Not denying the difference of the two questions regarding how the freedom of human will can be upheld in the face of God’s foreknowledge and how it can be maintained versus the determinism of natural efficient causality, Ertl nevertheless shows the parallels in the strategies used by Molina and Kant respectively. Furthermore, besides a detailed analysis of parallels and differences in the structures of the relevant arguments, claiming that we might attribute an “adaptation” of a Molinist position to Kant, he draws attention to the role of philosophers who may in this respect figure as mediators between Molina and Kant, such as Leibniz and Alexander Baumgarten.

Although we have sought to provide a comprehensive and intense introduction to Molina's work, we are well aware that our volume shows considerable lacunae in several topics. These are partially due to the vicissitudes and contingencies inherently connected to the assembling of a volume like this. Of course, given that it was our free will to organize the volume, and as we had the freedom to organize it in the way we considered best, in the end we are ourselves responsible for all of its shortcomings. We would like to thank the publisher Brill and the contributors for the confidence and patience they showed to us. Furthermore we thank Sebastian Simmert for the editorial work. A special debt of gratitude goes out to those who were close to us for having been close to us.

PART ONE

FREEDOM OF WILL AND GOD'S PROVIDENCE

THE REAL POSSIBILITY OF FREEDOM: *LUIS DE MOLINA'S*
THEORY OF ABSOLUTE WILLPOWER IN CONCORDIA I

Alexander Aichele

One of the most serious philosophical objections to Luis de Molina's concept of freedom was raised by Gottfried Wilhelm Leibniz:

The definition of freedom being the power to act or not to act given everything required for acting and everything exterior and interior as well, existing equally, is an impossible chimera contradicting the first principle I mentioned. This concept of freedom was embraced for the first time by the Molinists being more skilled in eluding its difficulties than in solving them.¹

The requirement of equipoise put aside, which seems to be, indeed, off the mark,² Leibniz's repeated criticisms directly focus on the violation of the principle of sufficient reason.³ As he writes to Des Bosses:

On the whole I do state that the power to determinate oneself without any cause resp. without any root of determination implies contradiction as it implies relation without foundation; and it does not follow metaphysical necessity of all effects. For it is sufficient for something to be a cause of such kind that the cause or the reason is not metaphysically necessitating even if is metaphysically necessary.⁴

¹ "Definitio libertatis, quod sit potestas agendi aut non agendi positus omnibus ad agendum requisitis, omnibusque tam in objecto quam in agente, existentibus paribus est chimaera impossibilis, quae contra primum principium quod dixi pugnat. . . . Haec notio libertatis . . . celebrata (fuit) primum a Molinistis, eludendis potius quam tollendis difficultatibus apta." Gottfried Wilhelm Leibniz, *Conversatio cum Domino Episcopo Stenonio de Libertate*, in AA VI.4.C, 1375–1383, 1380¹⁻⁷(⁶¹). Cf. on that topic Sean Greenberg, "Leibniz against Molinism: Freedom, Indifference, and the Nature of the Will," in *Leibniz: Nature and Freedom*, ed. Donald Rutherford and J.A. Cover (Oxford: 2005), 217–33.

² Cf. Robert Sleight Jr., Vere Chapell, and Michael Della Rocca, "Determinism and Human Freedom," in *The Cambridge History of Seventeenth-Century Philosophy*, 2 vols., ed. Daniel Garber and Michael Ayers (Cambridge: 1998), vol. 1, 1195–278, 1259.

³ Even Gerard Smith, SJ (*Freedom in Molina* [Chicago: 1966], 221/25) ultimately agrees to that objection and concludes, for this reason, that Molina's position is philosophically irrelevant.

⁴ "Omnino statuo potentiam se determinandi sine ulla causa, seu sine ulla radice determinationis implicare contradictionem uti implicat relatio sine fundamento; neque hinc sequitur metaphysica omnium effectuum necessitas. Sufficit enim, causam vel rationem non esse necessitantem metaphysice, etsi metaphysice necessarium sit, ut aliqua sit talis

It is the latter point that Molina seems to miss. For he claims that freedom of will precisely consists in its indifference to any possible determination before it is acting on its own hand, determining itself not due to any reason different from will itself.⁵ Will's complete independence amounts to ascribing the power of first causation to any subject of freedom. That may be fine as long as God is concerned but not in the case of created agents being restricted, principally, on second causation. In what follows I will examine whether Molina's concept of freedom really involves independence of any possible circumstances different from itself including rational deliberation. Then I will try to establish the internal possibility of Molina's theory by analyzing its conceptual premises.⁶ To do so, Molina's formal concept of freedom and will shall be exposed. After that, the range of power he ascribes to created will shall be scrutinized and, eventually, Molina's proof of the existence of freedom.

I. FREEDOM

Molina's examination of freedom does not deal with its theological sense.⁷ On the contrary, he explicitly excludes from his treatise man's liberation from the servitude of sin.⁸ Instead, he concentrates on freedom's universal, and even secular, meaning as expressed by the word "libet,"⁹ which is used to say that something is left to someone's own decision. According to Molina, in ordinary language the expression is used ambiguously since it denotes both freedom from coercion and the opposite of necessity. The former covers any action that the acting subject might perform by itself according to its nature even if it does so on natural necessity's account, that is, having no room for acting otherwise. So, the core of the first meaning of "libet" is just the subject's activity. It is free from coercion

causa." Gottfried Wilhelm Leibniz, "To des Bosses," in *Die philosophischen Schriften*, 7 vols., ed. C.I. Gerhardt (Berlin: 1875–90), vol. 2, 419/20, 420.

⁵ Cf. Smith, *Freedom in Molina*, 222 passim.

⁶ Since, according to Smith (*ibid.*, 223–24), Molina deals just in philosophically groundless assertions being "in theology . . . true enough," whereas philosophy is dealing in "necessarily true propositions" only, my venture seems to be damned to fail right from the start. However, as, at the latest, Kant's discussion of the very same topic of freedom has shown most prominently that investigating even the pure possibility of some assertions may be of some philosophical interest or, in fact, importance.

⁷ Surprisingly, Molina's qualification of his subject is not discussed by Smith (*ibid.*).

⁸ Cf. *Concordia* I.2.1 (13).

⁹ *Ibid.*, I.2.2 (13).

at any time if—to put it in an Aristotelian way—it moves itself in such a way that its motion does not result from an efficient cause different from itself. Identifying free will's actions with freedom from coercion, therefore, entails ascription of free will not only to “children and fools” but even to animals.¹⁰ Consequently, each action a living being actively performs will be or could be imputed morally to its subject. Without any doubt, this contradicts moral and juridical practice and man's intuitions about morals and justice alike. It is, at first, on the grounds of legitimate and just imputation that Molina denies identification of freedom's full sense with bare freedom from coercion.

Fortunately, the second meaning of “libet” is qualified to meet the condition of just imputation by containing free will and simultaneously excluding actions performed for the reason of naked necessity of nature. Free agents are to be distinguished from natural agents. Molina defines the second meaning, that is, the opposite of necessity, as follows: “A free agent is called something which given everything required for acting may act and not act or may do one thing in a way that it could do even the opposite. And it comes from this freedom that the faculty is called free by which an agent is able to act in that way.”¹¹

What Molina defines, obviously, is a special ability of an acting subject. The object of these powers is to act or not to act in such a way that it is able to act at any moment contrarily. Strictly speaking, it is a twofold power. Firstly, it is the power to actualize the potential to act or not to actualize it. This is what Thomas Aquinas calls *potentia ad exercitium*.¹² And, according to Aquinas, this lies wholly within a subject's range of power. Secondly, if it acts, the subject has the power to act contrarily, that is, when acting it can do this or that but not nothing. Aquinas calls this *potentia ad determinationem actus*. To determinate its own acting the subject needs a certain object it strives for which shall be accomplished by acting in a certain way. Determinating the act, therefore, depends on the concept that is aimed for which cannot be given without any contribution of the intellect focused on the subject's own nature and its relation to other relevant entities. Consequently, both powers are connected necessarily whenever the first one is going to be actualized. This being the case,

¹⁰ Cf. *ibid.* (14).

¹¹ *Ibid.* I.2.3 (14⁹⁻¹¹): “agens liberum dicitur quod positis omnibus requisitis ad agendum potest agere et non agere aut ita agere unum ut contrarium etiam agere possit. Atque ab hac libertate facultas qua tale agens potest ita operari dicitur libera.”

¹² Cf. SThl. IaIIae, q. IX, art. 1.

its acting has to be determinated since movement, that is, the actualization of potentiality, has to be specified to be distinct motion discernible from other states of affairs.¹³ Each exercise of the power to act implies determination and, conversely, there is no such thing as indeterminate exercise of the power to act.

Against this backdrop, it is possible to understand Molina's definition more precisely. First, let us tackle his (in)famous expression "positis omnibus requisitis ad agendum" in terms of the traditional Aristotelian way of discerning movements, that is, the doctrine of four causes. Doing so seems to be methodically adequate for two reasons. First, Molina does not use the distinction between first and second cause in this context since, clearly, he is talking, above all, about second causes all the time, although, indeed, it is most important thereafter for his discussion of God's general and special concurrence. Second, leaving aside the heuristic and analytic potential of the four causes being an obvious instrument in describing and analyzing motion, causes, and contingency until the times of Leibniz does not stand to reason and would even be illegitimate.

Now, what kind of requisites to act should be given to fulfill the conditions of Molina's definition in terms of the Aristotelian doctrine? No doubt can blind the fact that, at any rate, a material cause of acting must be given. At first sight, this seems to be just the alleged power. But as it is a certain potentiality it has to inhere in a created substance (i.e. soul). So, the material cause which must be posited for acting at the end is soul itself determining species and the individuality of created substance as far as it is capable to act at all. Then, in the case of acting which cannot be undetermined there has to be an object. The object of acting is the concept of its possible end established by intellect according to the special circumstances under which its subject exists. Thus the very concept established by intellect serves as formal cause, whereas the whole of the rest (e.g. soul, world, contingent state of affairs) is part of the material cause in a wider sense. As it seems, one will be on the safe side in identifying Molina's requisites to be posited for actual acting with the material and the formal cause of acting. But would that be all? It is, and for the following reasons. First, Molina, evidently, ascribes the power of actualizing the potentiality to act to its subject. As it is the origin of its own movement, the same potential's subject serves as efficient cause of

¹³ Cf. Alexander Aichele, *Ontologie des Nicht-Seienden: Aristoteles' Metaphysik der Bewegung* (Göttingen: 2009), esp. 181–90.

its own motion. And that acting, taken in itself, must be spontaneous, that is, it must be necessitated neither by its material nor by its formal cause since in this way it would contradict the intended sense of acting freely. Both natural necessity to act at all and conceptual necessitation to act in a certain way, according to Molina, destroy the agent's freedom. Therefore, both *potentia ad exercitium* and *potentia ad determinationem actus* must be realized by its subject spontaneously. Notwithstanding the necessity to produce determinate actions resulting from actualizing the first potency, the subject's will counts as sole efficient cause. On the one hand Molina accepts negative determinations of actions to be sufficient specifications of acting as well, which may or may not lead to positive particular actions amounting to another actualization of the subject's power to act so that, basically, either performing a certain action by willing or omitting it by nilling requires its conceptual determination. So, Molina clings to the most simple way of contrariety and, even, contingency. And, on the other hand, because he leaves no doubt on the fact of the simultaneousness of God's general concurrence whenever the power to act may be realized and whatever its intended result may be, general concurrence cannot count for the acting second cause's efficient cause.¹⁴ Second, these considerations should help to clarify the role the fourth Aristotelian cause plays on that analytic exposition of Molina's definition distinguishing it from the formal cause. If, as it should be,¹⁵ the final cause is understood as resulting particular action itself as opposed to its conceptual and, therefore, universal determination according to its formal cause, then even the existence of the final cause of acting corresponds to the agent's power to act. Thus Molina identifies agent's freedom with its power both to act as efficient cause of its own actions and, thereby, to produce corresponding results (i.e. final causes), which may be explained by the mentioned causal factors but emerge solely from the agent's efficiency.

II. WILL

It is precisely that power which Molina calls will, and, evidently, actualizing it will only result in volitions or nolitions, that is, mental acts possibly serving as efficient causes of movements of the willing or nilling subject's body. So, the main topic of Molina's discussion is mental acts qualified

¹⁴ Cf. *Concordia* II.26.5 (164).

¹⁵ Cf. Aichele, *Ontologie des Nicht-Seienden*, 51–75.

as free ones or their absence qualified likewise. As causal analysis shows, every act of willing serves as efficient cause but not everyone can be called free. For that two conditions are to be fulfilled. First, rational judgment precedes the act:

But since it does not operate like that except after rational decision and judgment, therefore decision is called free insofar it is preceded by rational judgment. From which follows that free decision (if it should be conceded anywhere) is nothing but will in which, formally, freedom inheres being explicated by the preceding rational judgment.¹⁶

The crucial point of qualifying free actions of will lies in their conceptual determination. According to its function of formal causing, a certain possible action's concept provided by intellect does not put the power to act (i.e. will) under any necessity. However, it explains freedom of will formally. Taking for granted the difference between formal or logical explanation and material or real causation the former has to be specified, for even natural actions of will are going to be determined by a corresponding formal cause which shall be grasped by understanding as well. This need of differentiation Molina meets with the second condition. In contrast to formal causes of natural actions being determined in one and just one way, the conceptual determination of free actions has to be contingent in such a way that their causal function depends upon will's acting. Taking free will's efficient causality seriously, it implies, therefore, actualization of a possible formal cause. Since formal causes, at any rate, are a matter of logic, such acting of will can only mean fixing the truth-value of a possible formal cause of particular action. A judgment potentially true is made actually true now referring to metaphysical facts. As this consequence, following the need for distinct formal causes of natural and free actions, leads to the systematic core of Molina's theory which he defends furiously against William of Ockham's model, it shall be discussed later, on occasion of his discussion of objections.

Instead, it is possible to specify, already, the kind of modality Molina intends when talking of freedom's relation to necessity. What is at stake is not the mere logical possibility of concepts of actions because it is enclosed both in logical contingency and necessity. But then, there is

¹⁶ *Concordia* I.2.3 (14¹¹⁻¹⁵): "Quoniam vero non ita operatur nisi praevio arbitrio iudicioque rationis, inde est, quod quatenus ita praeexegit iudicium rationis, *liberum* appellatur *arbitrium*. Quo fit ut liberum arbitrium (si alicubi concedendum sit) non sit aliud quam voluntas, in qua formaliter sit libertas explicata praevio iudicio rationis."

no difference, let alone opposition, between both modalities. However, that does not apply to metaphysical modality where just real possibility or potentiality to be and being necessarily matters. In this case the latter excludes the former, for necessary beings can impossibly not be whereas potentialities may or may not be actualized so that their being actualized is of real contingency. Thus when Molina sets freedom against necessity, above all, he speaks about metaphysics but not about logic, notwithstanding the fact that any real possibility's concept determinating any acting of the will calls for logical possibility, which goes without saying. Taking this for granted, Molina's general concept of will denotes the soul's power to act counterfactually, that is, to cause efficiently the actualization of potentialities whose formal causes as proposed by intellect stand in opposition or contradiction to each other. So, Leibniz's objection seems to hit the point. If, actually, formal causes gain explanatory force only after will's efficiently causing of corresponding acts, will's acting is left undetermined. Therefore, there is no sufficient reason to be seen as will actualizes itself totally on its own hand. So far, will seems to act like first cause, equal to God's *potentia absoluta*. Even that conclusion shall be discussed later since Molina's formal exposition calls for further specification in regard to the argument from imputation.

Until now, evidently, each intelligent being able to move itself has to be called free. And this holds good for children and fools, too. But, although these are free, their actions will not be imputed to them *ad culpam et meritum* for the lack of power to discern reasonably between good and evil.¹⁷ If children and fools do not know about the moral quality of their doings, then their moral outcome cannot be intended. Therefore, they must neither be punished nor rewarded. So, freedom must be graduated or qualified according to reason's power to judge morally. It follows that children and fools enjoy just "a certain use of free will," but not one sufficient for being held responsible for their actions.¹⁸ On that point, it should be noted that freedom as such is not diminished by lack of judgment. It is one and same freedom inhering in the soul of responsible persons and other ones, and it is not changed by the different use they are able to make of it. For even if the possible formal causes of any action correspond to moral knowledge, the proposed action does not follow necessarily due to freedom of will. Discussing the ways, on which a person attains,

¹⁷ Cf. *ibid.*, I.2.4 (14).

¹⁸ Cf. *ibid.*

develops, or loses the faculty to judge morally which Molina counts as “habitus” shall be left aside since will is indifferent to reason—and, therefore, *a fortiori* indifferent to moral reason—and this inquiry aims at freedom only.¹⁹ Shortly, wherever and however someone gets his moral knowledge from, as long as she possesses it she is and she will be morally or juridically accountable for her actions.

Imputability depends on will’s potentiality to cause morally relevant actions as proposed by intellect or to stay back from causing any of these, that is, neither to will or to nill some good action or an evil one. And even in the latter case of suspension it is crucial that there are real possibilities to act morally, indifferently proposed by intellect. In other words, seen from the point of view from imputability, sufficient freedom consists in will’s power to elect any conceptually proposed possible determinations of some morally relevant action *p* or its contradiction non-*p* not requiring an alternative determination *q*, or it consists in will’s power to elect no action at all although requiring the proposal of some possible determination of some morally relevant action. Since such proposals are laid before will indifferently, will is not necessitated to determine himself according to any of them by electing it.

But, astoundingly enough, there seem to be exceptions because will is unable not to elect all of them, that is, sometimes he cannot suspend his acting and, therefore, acts in a certain way.²⁰ Firstly, Molina mentions intuition of God *in patria* when will cannot help itself to love him—simply for the lack of other proposals and the overwhelming goodness of God.²¹ Secondly, and more interesting, there are actions *in via*, too, creeping into a person’s course which will is simply not able to prevent.²² But even that eliminates neither imputability nor freedom.

In order to make this point clear, a closer look at will’s electing is needed. Determinating itself, will elects the reason of his free decision—“rationem

¹⁹ Ibid., I.2.6 (15⁷⁻¹¹): “Cum enim tunc neque ab obiecto necessitetur voluntas neque item ab intellectu, quippe qui indifferenter voluntati proponat rationem boni ac mali itemque boni rationem in continendo actum, quae sufficientia sane sunt ad libertatem, utique tunc voluntas indifferenter atque adeo libere poterit velle aut nolle obiectum vel etiam continere actum.”

²⁰ Ibid., I.2.5 (14²⁸): “*Secundum* est voluntatem non omnes sua actus posse non elicere.”

²¹ Ibid. (14²⁹): “Etenim voluntas eius qui Deus intuetur in patria non potest Deum non diligere.”

²² Ibid. (14^{30/31}): “Saepe etiam, dum sumus in via, surrepunt actus quos voluntas non valuit impedire.”

liberi arbitrii”—which, of course, has to be proposed by intellect.²³ And this will does not do by comparing different proposed acts, since comparison requires conceptual resources and skills not being due to will's job. Comparison or, presumably better, trying to compare, according to Molina, will just lead to not electing, that is, realizing *potentia ad exercitium actus*. Just the possibility to choose indifferent, that is uncomparing, and to choose contradictory acts leads to actualization of *potentia ad determinationem actus*. One may ask how. And, indeed, Molina's distinction cries for some criterion which will be named now and examined later. Obviously, the searched for criterion would be will's fundamental, natural inclination to strive for good which must not be misunderstood as requiring any power of intellect and, *a fortiori*, must not be restricted to morals. Since will belongs to any living being able to move itself and, therefore, does not entail freedom *eo ipso*, basically, the mentioned good has to be morally indifferent. So, if will's electing does follow that inclination without mixing it up with intellect's logical powers, it requires some immediate notice of any good proposed. Molina holds fast to that point, emphasizing freedom's inherence in will but not in intellect.²⁴ Indeed, in his opinion, willing, nilling, and suspending needs much less consideration than proponents of intellectualism might think of, and, even lesser, there is needed imperative power of intellect which could force will except, of course, one is prone to reduce sin to error. On the contrary, willing *in via* has its sufficient reason in some notice of any good, be it pleasing, useful, or honorable, shining from some object perceived.²⁵ So, even a person equipped with a full-blown faculty of moral judgment may sometimes strive for objects being just—and perhaps invariably—pleasing. Still, doing so and committing sin she will not be exculpated, on the grounds of absolute

²³ Ibid. (14³¹⁻³⁶): “Atque hinc est ut voluntas non comparatione quorumque suorum actum sortiatur rationem liberi arbitrii, sed comparatione eorum tantum quos potest non elicere; in quo libertas quoad exercitium actus cernitur. Quod si simul possit elicere indifferenter vel hunc vel contrarium actum, cernitur etiam libertas quoad speciem actus, ut vocant, quae plenae et perfectae libertatis rationem habet.”

²⁴ Ibid., I.2.9 (15²⁸⁻³⁴): “Ceterum arbitror libertatem esse in voluntate et non in intellectu atque ad libertatem volendi aut nolendi vel continendi actum non volendo, quando velle possumus, et non nolendo, quando possumus nolle, non esse necessariam tantam deliberationem ex parte intellectus quantam multi necessariam existimant et multo minus imperium intellectus quo voluntati imperet ut velit aut nolit vel contineat actum; sed ad volendum satis esse notitiam bonitatis alicuius quae in obiecto eluceat rei delectabilis vel utilis aut honestae.”

²⁵ Molina clearly refers to Aristotle's triarchy of possible goods as discussed in the *Nicomachean Ethics*.

freedom *in via*, as long as intellectual powers are able to work or as long there is potential of true moral judgments as due to intelligent beings.

Molina's somewhat puzzling introduction of the power to exercise and the power to determinate, after all, may be sorted out as follows. Comparing proposed objects or concepts of actions bearing no good will lead to suspension, but this holds for comparison in general, for will is simply not able to compare. Presentation of contradictory acts, being indifferently good or evil ones, possibly, will lead to action as long there is some good to notice immediately even if it might not be chosen. So the former power is limited only by intuition of God *in patria* forcing will by pure goodness which indicates, at the same time, both the possibility of forcing will by immediate action of the first cause, just happening *in patria*, and the impossibility to do so by secondary causes or mediate action, that is, *in via*. Any other action than loving God *in patria* will is capable to withhold for: *in via* it is never forced to act.

On the other hand, to will acting means either to will or to nill both requiring some concept showing some good or evil of any sense which can be either accepted or refuted. This involves some knowledge as to what kind of good or evil a possible action might contain. So, it may be by lack of clarity that will may suspend or postpone acting until further clearing, but since there is some, though ambiguous, notice, will might well act, too. Therefore, Molina draws a sharp distinction between abstaining freely from possible acts of willing and nilling concerning the selfsame object and willing freely to abstain from a certain act, as the former does not require an act of willing (i.e. to will or to nill), whereas the latter does.²⁶ Notwithstanding the wide range of excuses on epistemical or physiological grounds, Molina concedes that will must be held responsible on both ways. On the former, because it may suspend acting on unsound reasons, on the latter, because it may strive for an object which is taken for good on wrong reasons, always supposing true judgment is not muddled inevitably by extraordinary circumstances not taking away freedom but imputability. And again, just for the record: certainly, will decides due to its immediate notice of some good meeting its general natural inclination which, insofar, counts as evidence for, indeed, it is some good, but, doubtlessly, there are pleasing actions neither useful nor honorable, useful ones

²⁶ *Concordia*, I.2.9 (16³⁴⁻³⁷): "...admonuerim longe diversa esse libere continere actum non volendo, quando velle possumus, aut non nolendo, quando nolle possumus, et libere velle continere actum eliciendo voluntatis actum quo continere actum circa aliquod obiectum volumus."

being neither pleasing nor honorable, and honorable ones being neither useful nor pleasing.

III. WILL'S POWER

Having finished the analysis of Molina's exposition of his general concept of will, the last part points to the crucial question for the range of created, especially human, will's power. Answering it will be a most delicate matter. For, if freedom of will is just limited by intuiting God *in patria* and if failures in electing true good do happen contingently as opposed to necessarily, in principle, there must be real potential to act in a morally sound and even praiseworthy way at each relevant occasion. So, man, by nature, possesses real potential to hold onto the Commandments, that is, never to fail morally. That potential being actualized and given just the grace of faith the Almighty being good and just would be forced to reward with eternal happiness anyone who does so in order to prevent self-contradiction. Consequently, one may ask, why the whole bag of tricks about redemption, grace beyond faith, and so on? Or, to put it theologically, what saves Molina's theory from falling into the heresy of Pelagianism? First, I will briefly present the general conceptual foundations Molina refers to, which are, not very surprisingly, as far as I can see, dogmatically reasonably unsuspicious, skipping his comprehensive theological discussion of irrelevance of actions merely good by nature for supernatural salvation only touching it superficially on some occasions.²⁷ After that, I will expose Molina's quite intricate defense against the necessity of supernatural assistance concerning each possible good action at some length. In the second part of this chapter, I will analyze the two main philosophical objections against Molina's position, namely, the alleged incompatibility of the potential to do *x* at any single moment and the simultaneous impossibility to do so during a longer period of time and, on the other hand, the problematic extension of will's possible indifference lying at the heart of Molina's theory and brought forward against the alternative model of William of Ockham.

²⁷ See Alexander Aichele, "Moral und Seelenheil: Luis de Molinas Lehre von den zwei Freiheiten zwischen Augustin und Aristoteles," in *Politische Metaphysik*, ed. Matthias Kaufmann and Robert Schnepf (Frankfurt am Main: 2007), 59–83, esp. 78–81.

1. *The Natural Range of Willpower*

Molina's opening statement concerning the power of will is straightforward:

Just with God's general concourse alone and without any other gift or help of grace man is able to cause a morally good work being appropriate to man's natural goal in proportion to which it is really good and a work of virtue, but not one appropriate to his supernatural goal in proportion to which it can be called absolutely good and a work of virtue.²⁸

Even if, according to Molina, the first thesis about will's power being sufficient to perform actions morally good just with general but without special concurrence is common opinion, there are some partisans, especially Gregory of Rimini,²⁹ of the opposing view, that is, that free will in *statu naturae lapsae* is not able to manage even that without God's special assistance (i.e. grace beyond faith). Against that minor opinion Molina considers it necessary to remember the arguments of theologians, thereby elucidating the meaning of the expression "naturaliter."³⁰ In order to refute the position represented by Gregory he puts forward five arguments.

1. Man possesses natural light, that is, the power to recognize material and formal objects different from himself, either by experience or formal analysis, and even himself considered as natural or created being. However, acquisition of knowledge must not be mistaken as an end in itself being the high road to happiness as in Aristotle. Rather, as it is shown by experience and the Scriptures as well, natural light serves moral judgment: "Since in man inheres the natural light that he shall recognize what is honest, decent, and in consent with right reason."³¹

Thus natural intellect shows not only what is but even what should be done and insofar amounting to right reason. Since right reason does not depend on revelation being a natural faculty of man's intellect, it applies

²⁸ *Concordia* I.5.1 (27³³⁻³⁷): "Cum solo concursu generali Dei absque alio dono vel auxilio gratiae potest homo efficere opus bonum morale quod fini naturali hominis accommodatum atque comparatione illius sit vere bonum ac virtutis opus, non tamen quod fini supernaturali sit accommodatum quodque comparatione illius bonum simpliciter ac virtutis opus dici queat."

²⁹ Of course it is neither possible nor necessary to discuss on that occasion whether Molina's exposition of Gregory's doctrine is fair or even just correct.

³⁰ Cf. *Concordia* I.4.4 (29).

³¹ *Ibid.*, I.4.2 (28^{6/7}): "quoniam in homine est lumen naturale ad cognoscendum, quid honestum, decens et consentaneum rectae rationi sit."

to natural ends inferred from cognition of natural objects. Natural light reveals how these should be treated or should behave according to their nature determined by their essence. Therefore, man is able to know by his own natural powers what is morally good or evil by nature, the former being each action according to right reason, the latter being any aberration from it, and it is precisely that faculty to judge morally (i.e. according to right reason), which makes man an image of God.³² Created as God's image, man has the power to recognize what is good by nature and, therefore, to will it. On the contrary, as Molina remarks, it would be strange and even against experience if man, by his nature, being capable of knowing what should be done, would neither be able to will it nor to bring it about.³³ Right reason, then, would be simply superfluous which, in itself, is against the reasonable order of nature.

2. Gregory holds that any action's moral goodness depends on its alignment on God being its ultimate end, that is, actually, to say God is its most universal formal cause to be discovered studying final causes. Molina meets that objection by pointing out his opponent's unfounded disjunctive separation of moral and natural goods. Doing so leads to moral indifference of actions fulfilling the recognizable conditions of all cardinal virtues as they gain moral value by grace only. However, on the one hand, mere virtuous actions, then, would be indistinguishable from morally virtuous deeds since Gregory concedes the possibility of mere virtue just denying their moral value lacking God's special assistance. Therefore, man's moral judgment must be blind and its outcome is never to be taken seriously. Evidently, either Gregory tries to distinguish what cannot be distinguished soundly, thus being superfluous and possibly wrong, or, on the other hand, he has to assert that moral goodness must not be part of any virtue's definition including the theological ones. But, obviously, the opposite is the case, as any good, by its very nature (i.e. goodness), at the ultimate end is defined by the eternal formal cause of anything good which is God. Consequently, Gregory has to teach that there is nothing which is morally good in the created world in its postlapsarian state.

³² Ibid. (28⁹⁻¹²): "Signatum est super nos lumen vultus tui Domine [Ps 4, 7]: quia scilicet ad tui imaginem conditi sumus, quo quid bonum atque honestum sit, cognoscimus; immo quia id ratione cognoscimus, deviatio a recta ratione culpa est atque peccatum..."

³³ Ibid. (28¹⁸⁻²²): "consequens est ut similia bona moralia solo concursu Dei generali viribusque naturalibus liberi nostri arbitrii non solum velle, sed etiam efficere possimus. Mirum namque esset, quod ad agendum honeste tamquam in finem naturalem essemus conditi, nullum tamen actum honestum viribus propriis soloque concursu generali Dei possemus efficere."

Further, natural light is able to infer that there has to be both a first cause and an ultimate end of being, which is God. So, recognition of any being's structure leading to knowledge of what is to be done according to its nature tallies with mediated recognition of God's goodness in such a way that any natural action may be aligned to it. And that is sufficient for performing actions being morally good according to natural ends without possessing any theological knowledge of God, or even without believing in Him.

3. Even the Scriptures, namely St. Paul, concede that gentiles are capable of bringing about good works "by nature, that is just by natural powers."³⁴ Thus, since, by definition, the heathens enjoy no grace, God's general concurrence has to be sufficient to perform moral actions according to nature.

4. Citing Augustine's apocryphal *Hypognosticon*, Molina refers to free will's morality if agreeing to reasonable judgment. Now, introducing the distinction between natural and supernatural good is convenient at this point. As natural reason is not capable of wholly grasping the nature of God, it cannot start or finish, securely, actions "pertaining to God,"³⁵ that is to say, actions requiring knowledge of God's nature which transcend worldly order as open to natural reason. So, it may be possible, easily, to do good or evil due to order of nature, that is, anything concerning this life, while any action concerning eternal life demands the grace of God being due to the supernatural order of which no conceptual knowledge can be acquired *in via*. Therefore, it is impossible to aim rightly for supernatural ends by natural powers for the lack of definitive knowledge of the same ends.³⁶

5. God's image in man is not extinguished totally by the Fall,³⁷ so it is still possible to act morally without being justified at the same time.

Concerning Molina's line of arguing some general remarks may be allowed. Firstly, he tries to show that asserting the possibility of performing acts morally good by nature does not entail asserting the possibility of earning eternal happiness by performing those acts, that is, Pelagianism. However, of greater importance concerning our intent is, secondly, Molina's refusal to disjoint action, naturally and supernaturally good, in a way that denies

³⁴ Ibid., I.4.4 (29⁴): "naturaliter, hoc est ex solis viribus naturae."

³⁵ Ibid., I.4.5 (29¹⁴): "quae ad Deum pertinent."

³⁶ Cf. *ibid.*, I.6.2 (30).

³⁷ Cf. Aichele, "Moral und Seelenheil," 78f.

the goodness of the former. On the contrary, concerning substantial goodness there is no such thing as natural and supernatural morals. Or, to put it the other way round, what is right according to the order of nature or what corresponds to right reason cannot be wrong in comparison to supernatural order. Thus it is perfectly possible to obey the Ten Commandments' second tablet as well as to carry out actions coming under cardinal virtues or to stay away from deadly sin by right natural reason as, likewise, Molina's examples underline.³⁸ Morals based on Christian faith do not exclude morals based on right reason, although actions counting for eternal life require faith always based on grace. But, faith and indiscernibility of natural and supernatural goodness concerning the law of nature be given, to Christians lacking any further special assistance of God it is just as possible as it is to gentiles to perform moral actions, that is, obeying the Commandments, acting virtuously, keeping away from deadly sin, which even in the lowest state of grace are not indifferent to eternal life. Recalling that result later on Molina puts it remarkably short: "In the fifth disputation we speak about the powers of our free decision to choose single moral acts, natural and supernatural ones as well, in the corrupt state of nature."³⁹ And, more than that, he shows in the disputations I am unable to discuss here that even supernatural acts necessary but not sufficient to justification starting with man's assent to faith, at least partially, rely on free will, his free decision forming a necessary but not sufficient condition of possible supernatural acts.⁴⁰ Thus not even God's own grace forces man's will *in via* which is, therefore, perfectly free.

2. *Absolute Freedom and Weakness of the Will*

Having stated and defended the extraordinarily wide range of willpower, Molina focuses on the compatibility of two propositions he has to hold in order to avoid Pelagianism without giving up his radical idea of absolute freedom containing the power to perform acts necessary but not sufficient for justification. He concentrates on the most obvious and fundamental demand for eternal life, that is, abstinence from deadly sin. These propositions run as follows:⁴¹ first, man is not able to keep away from all deadly

³⁸ Cf. for example *Concordia* I.5.5 (29).

³⁹ *Concordia* I.16.1 (91³¹⁻³³): "Disputatione quinta diximus de viribus arbitrii nostri in statu naturae corruptae ad singulos actus morales tam naturales quam supernaturales eliciendos."

⁴⁰ Cf. *ibid.*, I.15.14.

⁴¹ Cf. *ibid.*, I.19.1.1 (100).

sins *in via* lacking God's special assistance. Second, man is able to keep away from each deadly sin at any single moment of his life *in via* lacking God's special assistance. The first one is indisputable, the second one is quite questionable since, without further explanation, one may ask why, then, it should not be possible to abstain from each deadly sin throughout a whole lifetime if it is, indeed, possible to do exactly that at any single moment of the same time which, one may argue, cannot be distinguished from the sum of all single moments taken together. This way, evidently, both propositions contradict each other and cannot be held simultaneously.

To make Molina's point clear it is important to recall that, insofar, at least, as it does not flow from the articles of faith or special vows,⁴² what is morally wrong and, therefore, evil can be known for sure by nature because, at any rate, any action against right reason must be venially or deadly sinful. Consequently, staying away from evil of that kind does not call even for the grace of faith so that in the case of steering clear of natural wrongdoing there is not any difference between Christians and gentiles concerning the power to do so. Sane reason taken for granted, all this applies without any restriction, that is, there are no circumstances under which it would be impossible to abstain from evil or under which man is forced to do evil by necessity. Conversely, man is both free to stand up to bad temptations of committing sin or difficulties in omitting it and to overcome by not willing or nilling at any single moment, even at the cost of life. Otherwise, succumbing to temptation or giving in to difficulties would be neither wrong nor imputable as, citing Augustine, Molina emphasizes: "Evil which cannot be avoided is not sin; evil, however, which can be avoided, is sin."⁴³

Seen from Molina's point of view characterized by the argument from imputation, at first sight there seems to be possible either a strong or a weak way to grasp freedom and its consequences. The former one defended by Molina ascribes to will the power to withstand whatever temptation or difficulty may occur. But even the latter one allowing the possibility of will's overriding by external causes has to be taken into account, and Molina is going to do it later discussing the conditions of martyrdom, though, at first, he engages, again, Gregory of Rimini who denies the possibility

⁴² Molina has made this clear having referred before to the example of chastity; cf. *ibid.*, I.17.11 (97).

⁴³ *Ibid.*, I.19.1.1 (100^{31/32}): "malum quod caveri non potest, peccatum non est; malum vero quod caveri potest peccatum est."

of any good postlapsarian natural acting.⁴⁴ Following Molina's exposition Gregory does not negate willing and nilling or electing at all but, according to him, it does not follow from freedom of will but sensuous affection, that is, in the end, it follows from experience of joy or sadness in such a way that willing results from joy while nilling comes out of sadness. So, if someone is burning in fire, naturally, she will be quite sad and, by nature, she will nill her burning necessarily, however much she, by chance, might not nill it considering her burning reasonably if she would not be burning. By necessity of nature, she must nill her burning and she would not be able to accept it willingly even if, just by chance, reason might present grounds for accepting. Thus will, by nature, is determined by sensuous affection and follows right reason just in case God performs a miracle. If now, as Molina puts it, sadness or joy are not only necessary but sufficient conditions of nolition or volition, both are equivalent in each case, so that to nill is to be sad and to will is to be happy. Therefore, a burning person's sadness is nolition of her burning, which excludes any election. At the same time, Molina remarks, Gregory allows considered but not efficiently causing acts of will to occur by chance, thereby saving freedom. But considered volition or nolition entails the possibility of electing it or, even more, having elected it and standing in the fire burning by free decision. So, Gregory wrongly infers from the possibility of conditioned acts of willing the impossibility of unconditioned acts of willing confusing different conditions of willing, taking possible ones for sufficient which, sometimes at least, may be necessary.

In comparison with that, Molina points out, referring to Scotus and taking up an Aristotelian example, that a man's sadness concerning some unpleasant circumstances must not be identified with unconditioned nolition even if that particular sadness cannot be avoided and even if it may echo back from will,⁴⁵ that is, even if it may be taken into account in building up nilling. On these grounds nilling present or approaching sadness, surely, may lead to action, namely, to remove its cause or to flee from it but just if it does not collide with will "either to strive for beatitude or for any other goal passed on to it necessarily."⁴⁶ So, the famous

⁴⁴ Cf. *ibid.*, I.19.1,2 (101).

⁴⁵ *Ibid.* (101¹²⁻¹⁶): "Etenim GREGORIUS arbitratur tristitiam voluntatis esse actum nolitionis et laetitiam seu gaudium esse actum volitionis, cum tamen non sint nisi affectus et motus qui in voluntate resultant ex notitia obiecti nocivi praesentis aut imminetis vel obiecti convenientis quod adest aut speratur."

⁴⁶ *Ibid.* (101²⁷⁻²⁹): "vel ad consequendam beatitudinem vel ad quemcumque alium finem quem sibi proponeret . . . necessarium."

captain who commands all of the ship's cargo to be thrown into the sea in order to save his ship and his life wills his object unconditionally because his command is in harmony with the greater good. Of course, he will be sad at his ill fortune and he will neither enjoy throwing goods into the sea nor the state of affairs without which he would never have willed to give up his cargo. Thus notwithstanding the unlucky captain's sadness at lost cargo and his joy in survival, it is neither sadness nor, much less, joy, determining the captain's will but will itself led by reason. In short, neither affection does determinate will necessarily nor does it eliminate freedom, just like affection may blur but does not eliminate judgment since, according to Aquinas, no physical motion can make a power of the soul like will act in a certain way.⁴⁷ After having called to witness the vast authorities of Jerome, Augustine, Anselm, Aquinas, and Cajetan presenting their positions similar to his own, Molina proceeds in arguing. For clarity's sake I will rearrange *Concordia's* original order slightly by setting arguments and counterarguments side by side, first, shortly turning to discussion of theological objections, and second, analyzing Molina's row of arguments in favor of his own position redoubled with indirect refutations of the opposing opinion.⁴⁸

The four counterarguments Molina presents are theological by nature. The first rises from Augustine's alleged proximity to Pelagianism assumed by a council of his time where he defended himself attacking Pelagius, whose doctrine was defined as follows: "the grace of God and His assistance is not given for single acts but it inheres in free decision or in law and doctrine."⁴⁹ To save his own position from condemnation, Augustine distinguishes between struggle against and victory over temptation and forbidden desire in such a way that man is not able to win without the help of God.⁵⁰ Therefore, God but not will efficiently causes victory. In order to clear up Augustine's defense, Molina insists on the reason for Pelagius's condemnation, that is, asserting the possibility of earning eternal

⁴⁷ Ibid., I.19.2,1 (103^{12/13}): "a nullo omnino obiecto necessitari posse quoad actus exercitium, sed semper manere liberam ut eliciat aut non eliciat actum."

⁴⁸ Cf. Friedrich Stegmüller, "Molinas Leben und Werk," in *Geschichte des Molinismus I: Neue Molinaschriften*, ed. Friedrich Stegmüller (Münster: 1935), 1*–80*, s. 41*.

⁴⁹ *Concordia* I.19.4,1 (113^{15/16}): "gratiam Dei atque adiutorium non ad singulos actus dari, sed in libero arbitrio esse vel in lege et doctrina."

⁵⁰ Ibid. (113^{17–21}): "Ex quorum damnatione et retractatione inferit ulterius AUGUSTINUS unumquemque fidelem teneri fateri: quando contra tentationes concupiscentiasque illicitas dimicamus, quamvis et illic habeamus propriam voluntatem, non tamen ex illa, sed ex adiutorio Dei nostram provenire victoriam."

happiness just by man's own will. If so, said single acts must be of that kind which count for eternal life requiring supernatural assistance as defined before. Pelagian heresy, on the contrary, does not even make the distinction between general concurrence, including both will's efficiency in general and its openness to reasonable determination in particular, on the one hand, and God's grace giving eternal life, on the other. This way, Pelagianism confuses necessary and sufficient conditions for salvation. Consequently, Molina, always presupposing the Pelagian error, concludes that Augustine does not talk about the human potential to avoid single deadly sins. Instead of that he refers to the possibility of withstanding and mastering every occasion to commit deadly sin since it is just this which can be called, according to Augustine himself but also to Aquinas, "victory" over sin, legitimately.⁵¹ But it is just struggle against temptation which man is capable of at any moment. And to fight, certainly, is a necessary condition for winning, but it is not sufficient to do so.⁵² So, final triumph over sin justifying eternal life efficiently results from the grace of God without destroying human will's own achievements.

The second objection rests on the following passage of the first letter of Coelestin I: "No one, even one renewed by the grace of baptism, is able to overcome the snares of the devil and to conquer the lusts of the flesh if he does not accept perseverance of associating himself with the good by God's daily assistance."⁵³ Basically, Molina reacts in the same way, concentrating both on the generality of Coelestin's assessment and the emphasis on daily assistance. From that Molina concludes again that every occasion to commit sin is to be meant, and the rest follows.⁵⁴

The last objections both draw upon St. Paul who states in Corinthians I that God never tolerates temptations transcending man's power and who confesses in the second letter that even he, on at least one occasion, had not had the power of virtue to withstand temptation. Regarding both places, it seems to follow the existence of temptations too hard to withstand since it is not God himself who tempts man. However, that, according to Molina, simply does not follow. The first passage just shows that, presupposing God's assistance, any temptation will be mastered easily.

⁵¹ Cf. *ibid.*, I.19.5,2 (114f.).

⁵² Cf. *ibid.*, I.19.5,7 (115).

⁵³ *Ibid.*, I.19.4,2 (113²⁷⁻³⁰): "Neminem, etiam baptismatis gratia renovatum, ideoneum esse ad superandas diaboli insidias et ad vincendas carnis concupiscentias, nisi per quotidianum Dei adiutorium perseverantiam bonae conversationis acceperit."

⁵⁴ Cf. *ibid.*, I.19.5,5/6 (115).

And that does not entail impossibility to overcome by natural powers at any single occasion provided man's will to struggle against it by his own natural powers. The second passage merely states that severe and enduring temptation could not be mastered by Paul's virtue alone but, eventually, was mastered with the help of God. And that, again, does not entail Paul's inability to withstand and to overcome any temptation at any single moment. Besides, Molina adds, Paul's narration may well contain rhetorical elements like hyperbole. The apparent conclusion of interpreting St. Paul wrongly is of more earnest consequences since it alleges that the position Molina holds blurs the difference between martyrdom and sheer stiff-neckedness. For if there are temptations too bad to withstand and overcome by nature, and if God's special assistance is needed to reach the crown of martyrdom, then temptation to refuse martyrdom, by nature, will be too great and, thus, it is impossible to withstand and overcome any temptation under risk of life for even the shortest of moments by natural powers as it goes simply by nature over man's natural powers.⁵⁵ However, that conclusion is so blatantly wrong that Molina does not consider it necessary to repeat his former statement recalling countless examples of gentiles or heretics having sacrificed themselves for superstition or wrong faith. According to that it goes without saying that even Lutherans are capable of dying for their heretical convictions. And even orthodox Christians will not reach martyrdom by simply sticking to the articles of right faith at the cost of life, though this still being a necessary condition, without heartfelt repentance for past sins and, at least, formal or virtual atonement and, above all, love to God. So, it is exactly the other way round, and it is denying the possibility to hold on to some convictions at the cost of life by natural powers that blurs the sharp line separating martyrdom from being a quite stiff-necked character, again, by muddling up necessary and sufficient conditions.

As said before, Molina goes through the arguments he presents in favor of his own position two times. He does so, explicitly, because, on the one hand, he wants to affirm its "probability" both by referring to authorities and rational discussion and, on the other hand, he demands the same of his adversaries.⁵⁶ The latter he does by examining and showing the negating opinion's premises and implications, which bear some severe problems waiting for explanation presented in the second row of arguments

⁵⁵ Cf. *ibid.*, I.19.4.4 (114).

⁵⁶ Cf. *ibid.*, I.19.6.1/2 (116f.).

corresponding exactly to the first one. First and foremost, Molina's strategy reminds his opponents that the question of concern has not been decided by the church yet.⁵⁷ So, deniers of freedom, likewise, may claim probability as Molina grants them humbly and quite ironically, but they are on no account allowed to assert dogmatic certitude. And as long as the question is officially open to discussion, both parties are bound to bring forward arguments to make rational decision easier in such a way that it shall be understood by everyone able to follow the line of arguing.

At first, in order to state Molina's own opinion and since he refers to it occasionally in his second row of arguments, the syllogistic conclusion the first row amounts to shall be presented. Molina's syllogism, put in the mode of barbara, runs as follows: (1) On the grounds of original sin the will of the faithful carries the same weakness in constantly keeping away from deadly sin or in acting morally all the time as the will of man far from grace. Therefore, weakness of the will belongs essentially to man regarded as purely natural being. *Propositio maior*: Man, by nature, is due to weakness of the will.⁵⁸ (2) That weakness, simultaneously, is connected to the power to act morally and not to succumb necessarily to every occasion to commit sin at every single moment without God's special assistance. Therefore, man is responsible for sin. *Propositio minor*: Man, by nature, has the power to perform moral acts or to obey to moral rules.⁵⁹ (3) *Conclusio*: Man, by nature, has the power to perform any single moral act at any single moment of time but not all moral acts possible for the whole time.⁶⁰ Clearly, the last but central restricting part does not follow without further qualification, and Molina, therefore, has to make some efforts to save it as we will see later. For now we shall proceed to the announced double row of arguments, which are nine in number.

⁵⁷ Cf. Stegmüller, "Molinas Leben und Werk," 63*.

⁵⁸ *Concordia* I.19.3,10 (112¹⁰⁻¹⁴): "In statu naturae lapsae eiusdem rationis est impotentia quae est in homine iusto ad servandum praecepta omnia obligantia sub culpa lethali et ad non succumbendum tentationibus cum ea quae in eodem statu est in iis qui extra gratiam sunt Dei et cum ea quae esset in homine, si in puris naturalibus fuisset conditus."

⁵⁹ *Ibid.* (112¹⁵⁻¹⁹): "Sed impotentia illa sine speciali auxilio Dei, quae est in homine iusto, coniuncta est cum *potentia* ad ita servandum *singula* praecepta et non succumbendum in quocumque temporis momento tentationibus occurrentibus ut, si praecepta transgrediat, vere peccet eaque ratione gratiam et iustitiam acceptam amittat."

⁶⁰ *Ibid.* (112²⁰⁻²⁵): "Ergo universim homo naturae lapsae ita impotens est sine speciali auxilio Dei ad diu servanda praecepta obligantia sub culpa lethali et resistendum tentationibus quibus necesse ad id est resistere ut nihilominus cum solo concursu Dei generali possit in quocumque temporis momento servare praecepta quae sub culpa lethali servanda occurrerent et non consentire tentationibus quibuscumque tunc occurrentibus."

1. Authorities like Augustine, Jerome, Anselm, and Aquinas openly affirm freedom of the will. Therefore, any denier of freedom citing the same or other authorities as well should clarify why his references are preferable.⁶¹

2. Denying free decision entails both deprivation of an innate and, therefore, essential faculty of will and as well, despite well-working judgment, necessitation of will to certain actions by second causes arousing vehement affections or other noticeable difficulties. But that is opposed to common theological thinking ascribing the power of necessitating will only to *visio Dei in patria*, that is to say, that even God's supernatural assistance does not force man's will to certain actions *in via* until he is changed and cannot help to love God *in patria*. This being the sole occasion when will is put under necessity it is absurd to assert the same of second causes.⁶² In defense of this position, Molina points out, firstly, that weakness of the will does not entail the need for God's special assistance for, merely, not being forced to act by second causes. Secondly, either one affirms the aforementioned theological principle embracing, thereby, free decision, too, or one has to give up the distinction between general and special concurrence since, then, the latter is required for every human act according to the law of nature in such a way that said distinction applies only on and reflects the difference between nonintelligent and intelligent beings.⁶³

3. Postlapsarian will is equipped with the same power as it would possess if man would have been created by God to be a mere natural thing unapt for special assistance, that is, assuming this, man would be exactly as the philosophy of nature and rational ethics propose. If not, man would be incapable of acting according to right reason, even in the tiniest of moments. Thus man would take every opportunity to act against it (i.e. to commit sin), by nature from which follows that man would not be capable of committing sin at all. Consequently, acting morally would exclude any acting according to the law of nature which, evidently, negates the wisdom of the creator.⁶⁴ But this is all wrong, as the philosophical authority of Aristotle, representing natural light, common experience, and reason show sufficiently enough. Firstly, according to Aristotle, there is the very potentiality to stand back from evil action recognized by reason, even in

⁶¹ Cf. *ibid.*, I.19.3.1 (108) and I.19.6.3 (117).

⁶² Cf. *ibid.*, I.19.3.2 (108).

⁶³ Cf. *ibid.*, I.19.6.4 (117).

⁶⁴ Cf. *ibid.*, I.19.3.3 (108³⁴–109¹³).

the face of death, and the obligation to do so willingly as well.⁶⁵ Secondly, there are both our own individual experience of free decision and countless examples of gentiles rather dying than acting against the honorable whose wills, certainly, were not objects of God's grace.⁶⁶ Thirdly, free decision to man is a natural faculty in the same way as the power to see, hear, or recognize. So, to deny freedom amounts to negating man's will. Further, since for avoiding evil acts indeterminate not-willing is enough, and not to act at all cannot require any assistance, it follows that avoiding any evil act is possible without God's special assistance.⁶⁷

Here, Molina's general defense draws the reader's attention to his syllogism, which, as now becomes clear, rests upon philosophical reason only. Having conceded, anyway, the major premise, denial of the minor is going to be an issue.⁶⁸ To do that calls for two assumptions. On the one hand, one has to follow ancient philosophy concerning the nature of man. That is to say, if weakness of the will results from original sin and leads to a general inability to act morally, man's created nature must include the power to perform moral actions being good by nature. So, man's created nature is merely ordained to its natural end. Thus man by his created nature seems to be no more apt to some supernatural aim than a wombat and, consequently, cannot have been created after God's image. Therefore, on the other hand, deniers of free decision have to hold at the same time that man has not been created a merely natural thing but is, still, ordained, by creation, to his supernatural end, too, and must be provided, then, by God with assistance for both ends as well.⁶⁹ Holding both propositions is not only blatantly contradictory—doing so extinguishes the slightest possibility to discern general from special concurrence.

Concerning philosophical opinion Molina's counterpart is bound to affirm that Aristotle and the natural light as well do not and cannot identify God's special assistance as required for any actions being of moral interest. Therefore, in order to recognize even the law of nature one has to refer to revelation and the holy councils solely, both being, obviously, independent from natural light.⁷⁰ Concerning experience and pagan examples, firstly, it is to say, that God's special help as itself cannot be

⁶⁵ Cf. *ibid.* (109¹⁴⁻¹⁶).

⁶⁶ Cf. *ibid.* (109¹⁷⁻²⁰).

⁶⁷ Cf. *ibid.*, I.19.3,4 (109).

⁶⁸ Cf. *ibid.*, I.19.6,5-13 (117-20).

⁶⁹ Cf. *ibid.*, I.19.6,5 (117³³⁻³⁹).

⁷⁰ Cf. *ibid.* (117⁴⁰⁻¹¹⁸).

object to experience and, therefore, it cannot be known by natural reason. So, even knowledge of man's own experience of freedom needs God's special assistance. And, secondly, it is to say, that, obviously, even gentiles enjoy God's special help as a matter of routine.⁷¹ Concerning the points of free decision and not acting results from denial of the former and denial of the latter. If freedom of will is taken away any act is subject to natural necessity, and then will must act by natural necessity, too. Therefore, will is incapable of not acting, and both its acting and its not acting require God's special assistance if judged morally good.⁷²

4. If, by nature, will is determinated necessarily by passion, the inferior part of man's nature rules the superior one which, again, does not only contradict natural light and experience but also the Scriptures, especially as man, already in the state of nature, is made after God's image precisely insofar he is gifted with freedom of will and control of his own actions.⁷³ To defend the denial, as Molina states, one has to affirm the aforementioned particular kind of epistemological special assistance positing appropriate experience and to shift man's similarity to God in such a way that God is forced to give special assistance to avoid evil acts at any occasion of doing evil on the grounds of justice, that is, treating the same in the same way.⁷⁴

5. Natural necessity to give in to every occasion to sin eliminates sin itself. Therefore, it would be unjust to punish transgressions of the Commandments both in this world and the other one.⁷⁵ Partisans of freedom's denial, therefore, are forced by reason to maintain God's injustice.⁷⁶

6. Denying freedom degrades redemption and grace given by Christ.⁷⁷ To demonstrate this point, Molina argues as follows. If God would have not decided freely to offer redemption to mankind after the Fall, there would be less sin in the world because backed up with general concurrence only no transgression of any rule would involve reason for blame in itself according to the principle of *nulla obligatio ultima posse*. Thus it is precisely the offer of redemption which pronounces actions sinful that could never have been such by nature or without the possibility of special concurrence (i.e. grace). That leads, firstly, to an inflationary amount of

⁷¹ Cf. *ibid.* (118⁵⁻¹¹).

⁷² Cf. *ibid.*, I.19.6,6 (118).

⁷³ Cf. *ibid.*, I.19.3,5 (109).

⁷⁴ Cf. *ibid.*, I.19.6,7 (118).

⁷⁵ Cf. *ibid.*, I.19.3,6 (110).

⁷⁶ Cf. *ibid.*, I.19.6,8 (118).

⁷⁷ Cf. *ibid.*, I.19.3,7 (110f.).

sin caused by the future coming of Christ and God's plan of salvation as future sins or future occasions to commit sin are under condition of man's possible redemption being in no way necessary according to his weakened nature but triggered by Christ whose death, thereby, becomes an end in itself running full circle. Furthermore, just the part of mankind apart from redemption and supernatural assistance, that is, the heathen unbelieving in Christ, is apart from sin in the same way. To solve that puzzle Molina knows no better than to propose to his adversaries a threefold division of special assistance, at first discerning true supernatural gifts resulting in supernatural effects from special assistance to fulfill the law of nature. After that, the latter has to be subdivided into the one sufficient to obey to every rule the whole time and the one given to avoid single deadly sins at single moments. Still, even the last one fitting solely to man's postlapsarian state must be excluded without Christ. And therefore the denying argument breaks down since the only thing it proves is the irrelevance of man's nature for the whole concept of sin.⁷⁸

7. If (6) is taken for true it follows that man in a postlapsarian state of nature will keep away from deadly sin just by general concurrence since sinning deadly depends on the future coming of Christ.⁷⁹ So, to fall into deadly sin by nature is impossible since any difficulty in avoiding sin annihilates sin itself. Thus any problem with avoiding deadly sin starts with the act of grace required for man's turning to faith, as man, after that, certainly will keep the power to overcome unnoticeable temptations but carries now the burden to avoid every deadly sin being impossible by nature but calling for God's daily special assistance.⁸⁰

8. But having decided in the grace of faith not to fall into deadly sin, again, the faithful will be able to avoid every deadly sin just by general concurrence. For not being aided by daily special assistance they will, as always, overcome unnoticeable occasions to commit sin, whereas any noticeable difficulty to avoid sin still annihilates the mere possibility of sin if it is not overcome by the help of God. Therefore, none of the faithful will ever be damned at all.⁸¹ In order to avoid that pleasant but, unfortunately, quite heretical consequence, one has to hold that, in addition to the grace of mere faith, even deciding firmly not to sin deadly without stopping must be due to God's special assistance, although, on the one

⁷⁸ Cf. *ibid.*, I.19.6,9 (118f.).

⁷⁹ Cf. *ibid.*, I.19.3,8 (111).

⁸⁰ Cf. *ibid.*, I.19.6,10 (119).

⁸¹ Cf. *ibid.*, I.19.3,7 (111).

hand, that decision seems to be implied by simply turning to faith, and, on the other hand, this position denies the widely affirmed possibility to elect attrition and contrition freely according to the substance of these acts, that is, to form these concepts by reason and to embrace them as objects of will.⁸²

9. Even in a state of grace when God may support the faithful in keeping away from sin and doing good man remains a sensuous being. Thus due to his postlapsarian nature man is prone to vice and, without the continuous help of God, may easily fall into deadly sin on the grounds of weakness of the will. So, concerning menace of sin there is no difference between a state of grace and the state of nature which leads Molina to the syllogism exposed above and motivates, too, the problematic addition to its conclusion.⁸³ Obviously, even deniers of free decision are forced to concede the major proposition. And they seem to be willing to accept the minor one also, but only on the condition of taking into account the circumstances of acting, that is, its easiness or its difficulty. However, that, as Molina has shown throughout his discussion, is exactly the root of all problems blossoming into the impossibility of sin for lack of freedom, at least in cases of noticeable temptations or obstacles to avoid sin. So, one could object, it is wrong to infer the impossibility of sin since the opposite clearly follows from gradation. That is, man will commit sin if, and only if, he transgresses the law of God as long as obeying it lacks any noticeable difficulty or temptation. However, this cannot be done. For what shall be the reason to commit sin under such friendly circumstances? No other seems to be there than man's evil and corrupted postlapsarian nature. But that means to affirm, first, that God's image in man has been extinguished by the Fall totally and, second, that any possible sin is necessitated by man's nature. Therefore, sin is not avoidable and has to be excused.⁸⁴

So, even a position allowing a kind of low-level freedom bears dreadful incoherence. As can now be seen, Molina's tactics of defending his seemingly radical idea of freedom by shedding light on partly unwelcome and partly absurd premises and implications flowing from its denial, even by more theological reasons, amount to the strategic aim of establishing that, if freedom is conceded at all, it has to be necessarily absolute.

⁸² Cf. *ibid.*, I.19,6,11/12 (119).

⁸³ Cf. *ibid.*, I.19,10 (112).

⁸⁴ Cf. *ibid.*, I.19,13 (119f.).

IV. REAL POSSIBILITY OF ABSOLUTE FREEDOM

Clearly, arguing in such a way again evokes the menace of Pelagianism. Of course, Molina has been trying to defuse it formally by restriction of man's natural powers to any single moral act at any single moment not extending them to a longer period of time. But, on the one hand, just the same does not follow from his syllogistic proof. And, on the other hand, doing so provokes another, this time philosophical, objection. So, the latter is to be met to establish, at least, the possibility of the former assumption. The objection goes as follows: to hold that doing x by natural powers is possible at any single moment of time seems to be incompatible with holding that doing x by natural powers is not possible during a longer period of time since each period of time includes every, and therefore any, moment of it. Thus by simply adding continuous single moments, doing x can be perpetuated as long as one likes. So, Molina's opinion seems to be self-contradictory. Molina takes that objection seriously enough to spend the whole of disputation 20 discussing it.⁸⁵

1. *The Compatibility of Any and All*

He puts it in the following way.⁸⁶ If man is not capable of overcoming all temptations and keeping away from all deadly sins by his natural powers, it must be conceded either that there is a certain period of time wherein man cannot act morally at the whole but can do so in any shorter one, or that there is a certain period of time wherein man can do so but cannot do so in any longer one. This is easily proven assuming a period of time commonly taken for too long to live without committing deadly sin (e.g. 30 or 40 years). That period can be reduced by the hour, until either there is nothing left of it or until a period short enough comes up where, the next hour withdrawn, man is able to persevere during the rest of time. After that, the same rest is divided in equal parts starting from the half and getting smaller, allowing the precise period searched for to be established by addition or subtraction. So, from the very concept of time and its measurement by division, addition, and subtraction follows, according to individuality of natural strength, existence of certain maxima or minima of time wherein each man is capable of keeping away from deadly sin solely by his natural powers. And that period, obviously, at least must be

⁸⁵ Cf. *ibid.*, I.20.1 (121).

⁸⁶ Cf. *ibid.*, I.20.2 (121f.).

known to God. Thus persevering without committing deadly sin is not random, and the power to avoid any single sin at any single moment of time is not compatible with impotence to avoid them all during a certain longer period of time.

This can be shown as follows. In a given period of time too long to persevere in such a way that a person is capable of avoiding sin during any shorter period of time the same person may persevere until the tiniest moment touching that limit. So, there is no necessity to commit sin during some certain period of time. However, the person is bound to commit sin necessarily at the tiniest moment following next since it transgresses her natural powers to persevere any longer. Now, it is not possible to hold that committing sin happens to be a particular single action at any particular moment of time while holding simultaneously that no action which cannot be avoided by free will is sin. But if the person commits sin necessarily at any moment after its natural powers to avoid sin during a certain period of time are exhausted, she does not commit sin at all. Therefore, committing and avoiding sin is possible during a certain period of time only. It follows that there is just natural potential to avoid each sinful action during a determinated period of time but not any single sinful action at any single moment of time in general. Thus Molina's thesis is self-contradictory.

Obviously, Molina is bound to attack the sheer possibility of *a priori* determination of periods of time wherein man would be capable of avoiding sin by natural powers. That is, he has to prove the general contingency of avoiding and committing sin. He does so by criticizing the traditional example used to explain man's weakness after the Fall. Normally, this is done with the following analogy.⁸⁷ Man, as it is said, in his postlapsarian state compared to man as he was created, is like a weak and ill person compared to a healthy and strong one. Just as the ill one is only able to do some of the things that a healthy man can do, but not everything, man after the Fall is unable to do all of the things that he was able to do before the Fall. So, man after the Fall is capable of avoiding some but not all sins and not during any period of time but just at single moments whereas, before the Fall, he was able to avoid every sin as long as he had liked. But, as Molina points out, that analogy does not fit since an ill person trying to act like a healthy one grows weaker and weaker until their strength

⁸⁷ Cf. *ibid.*, I.20.3 (122).

fails completely and they remain incapable of acting at all.⁸⁸ But instead of becoming weaker and weaker in trying to act according to his postlapsarian nature, that is, to obey the Commandments and to do right, man doing so, continuously, builds up strength and gets used to it day by day. It cannot be by doing right that man is unable to keep away from sin during a longer period of time by natural powers. So, it is neither growing weaker nor stronger by acting or not acting in this life why man cannot persevere for long but the general corruption of his nature after the Fall being the same to every individual since it concerns the nature of man. It is corrupted nature that makes man prone to sin at any single moment, and it is created nature that makes man free to withstand sin at any single moment. Claiming for determinated periods of time wherein a person has the potential to avoid sin, therefore, denies man's special nature. This way, the seemingly destructive argument, at first, is rejected for metaphysical reasons. And, immediately after that, it is rejected on ethical grounds since any evil action avoided by struggling against it as long as possible is not to be imputed if it is committed after its carrying out cannot be avoided any more because, after that, it is no sin any more.⁸⁹

It is easy to see that arguing in this way brings at least tactical success, since the strategic goal Molina has to aim for is not really touched by these arguments. For the argument from measurement of time to be refuted is logical in character and, therefore, has to be refuted for logical reasons. Seemingly, Molina tries to do that, afterwards, on occasion of his criticism of Ockham's solution of the problem of future contingency, which is somewhat irritatingly tagged onto the end of *Concordia's* first part on which I will focus after having examined his metaphysical line of arguing. In doing so it will turn out that Molina's metaphysical discussion fits with his strategic aim as he intends to show the general metaphysical character of the issue in such a way that the argument from measurement of time shall be soundly rejected for its inappropriateness since it neglects man's epistemic potential.

Molina's central argument rests on the concept of impossibility. Impossibility is predicated concerning man's capability of persevering without sin during a longer period of time just by his natural powers when, at the same time, he commits sin on his own account and freely as well.⁹⁰

⁸⁸ Cf. *ibid.*, I.20.4 (123³⁻⁷).

⁸⁹ Cf. *ibid.*, (123⁸⁻³⁴).

⁹⁰ Cf. *ibid.*, I.20.5 (123³⁴⁻³⁸).

According to Molina, it is crucial to see that the concept of impossibility in this context is not used in its mathematical but in its physical or moral sense, although there is some similarity where matters of contingency or reality are concerned.⁹¹

The proposition of “*x* cannot happen” may be true for two different reasons. First, something cannot be thought soundly at all. Second, something is pronounced impossible in relation to some conditions different from the logical features of the thought object. So, the former involves contradiction, thereby making its object absolutely impossible, whereas the latter does not, thereby involving logical possibility. It is the latter, being relative impossibility, which Molina is interested in because just that can come up in matters of contingency while, nevertheless, simultaneously demanding absence of logical contradiction. But even the conditions under which contingent events are called impossible truly are to be specified to establish the concept completely. For there are to be fulfilled, actually, two different conditions to proclaim some contingent event impossible. The first one is simply given reality. That means a certain world ordered by particular and knowable laws so that any event will be possible which can be thought according to that order, and any event will be impossible which can be thought but not according to that order. The second condition is more problematic but most important to Molina’s idea of impossible, though contingent, events because it draws into account certain circumstances, likewise contingent, which, although according to the physical order of the world, happen to make particular contingent actions impossible in the sense Molina intends. The upshot is this: there are some contingent events which may happen in a certain world because they do not violate its physical order, but these events will never happen due to some circumstances being in itself contingent as well. Or, to put it the other way round, such circumstances allowing such events to happen will never occur notwithstanding their real possibility.

Obviously, Molina here appeals to some idea of world’s normal course. Thus according to his way of speaking, contingent events are called physically or morally impossible if their occurrence is against the normal course of things. It follows that any judgment about impossibility of this kind, legitimately, may just claim its probability, be it higher or lower, but must not claim for certitude, that is, it does not and can never amount

⁹¹ Ibid. (123³⁸⁻⁴⁰): “non est sermo de impossibilitate mathematica, sed de physica ac morali quae similitudinem habet cum ea quae in rebus casui subiectis solet...”

to or be part of mathematical knowledge. So, strictly speaking, scientific knowledge as exposed in Aristotle's *Second Analytics* cannot be acquired if matters of contingency, that is, single events or actions, are concerned being, besides, in perfect harmony with Aristotle's theory both of natural research and ethics.⁹² Since the criterion of probability seems to be normality and there is no scientific knowledge as to what is normal, one is bound to ask how to discern normal events. Molina tries to answer that immediately.

But the matter, as he puts it, is even more complex, for he differentiates between two kinds of physical or moral impossibility. Firstly, he exposes the general origin of such impossibility being nothing but "rising from difficulty befalling something in a certain way."⁹³ And if such difficulty becomes great enough it is rightly said that an event, both possible in itself and conceptually and genetically known, is physically or morally impossible to occur. So, it seems as pronouncing something impossible is just a sloppy way of saying that something to happen or to be done would be quite difficult. But that kind of impossibility relative as itself, according to Molina, allows for another subdivision in terms of absoluteness and relativity depending on the amount of difficulties and precedent judgment about those as well. For Molina continues:

At some moment, however, this kind of difficulty in the occurrence of such event gets great enough, that, for this reason, it is said that in its occurrence inheres impossibility being great or small as greater or smaller difficulty comes with the circumstances. Whenever, therefore, difficulty is great enough that, according to the prudent man's decision, the thing would never happen it is called absolute impossibility; but whenever it is just as great that the thing to happen is very difficult, however, nevertheless possible if very rare then it is called impossibility, too, but neither as great nor absolute as the first one.⁹⁴

⁹² Concerning natural research cf. Aichele, *Ontologie des Nicht-Seienden*, 28–75. The same holds *mutatis mutandis* (cf. Theodor Ebert, "Phronêsis: Anmerkungen zu einem Begriff der Aristotelischen Ethik [VI 5, 8–13]," in *Aristoteles: Nikomachische Ethik*, ed. Otfried Höffe [Berlin: 1995], 165–85) for ethics: ὅτι δ' ἡ φρόνησις οὐκ ἐπιστήμη, φανερόν· τοῦ γὰρ ἐσχάτου ἐστίν, ὥσπερ εἴρηται· τὸ γὰρ πρακτὸν τοιοῦτον (Aristotelis *Ethica Nicomachea*, ed. Immanuel Bekker [Berlin: 1861], 1142 a24–26).

⁹³ *Concordia* I.20.5 (123^{41/42}): "ex difficultate, quod aliquid certo quodam modo contingat.

⁹⁴ *Ibid.* (124^{1–7}): "Aliquando vero tantum accrescit huiusmodi difficultas quae cernitur in talis rei eventu ut merito in ea impossibilitas inesse dicatur, maior vel minor, prout ex circumstantiis maior vel minor fuit difficultas. Quando ergo difficultas est tanta ut arbitrio prudentis res numquam omnino eveniat, appellatur impossibilitas simpliciter; quando vero solum est tanta ut, licet difficile admodum sit evenire, evenire nihilominus possit,

Clearly, physical or moral impossibility denote neither logical nor real impossibility. On the contrary, both physical and moral impossibility presuppose both logical and real possibility. Pronouncing an event physically or morally impossible, therefore, does not depend on epistemic matters but on logical or metaphysical ones. Evidently, in the passage just cited, Molina speaks about future contingents and man's knowledge about their occurrence. Pronouncing an event being both logically and really possible in itself as physically or morally impossible depends on human judgment about the occurrence of worldly events. However, such judgment cannot refer to single events immediately but has to rely on universal concepts of classes of events for singulars are no possible object of man's rational knowledge as presupposed in forming propositions possibly differential of truth-value. Therefore, judgment about physical or moral impossibility is based on empirically formed concepts since it, concerning single worldly events, cannot be built *a priori*. Now, such judgment's object are possible future states of world being contingent. So, it has to draw upon experience of past events and the present state of natural science in general. If, then, both the process of occasionally forming empirical concepts and their contents is contingent as well, the result of using them will be contingent, too. As that does not concern logical operations exerted but only material outcome there follows contingency of the resulting judgment's content. Therefore, the proposition of "*x* to happen is (physically or morally) impossible" is translatable in "According to present knowledge of the world *x* to happen is not probable." Since anticipation of future contingent events is the classical task of prudence or phronesis, as Aristotle describes it,⁹⁵ to come in the clear about an event's physical or moral impossibility, one has to turn to prudent people, which is what Molina also states.

Now, prudent judgment about future events may come to two different possible results concerning impossibility. First, a certain event will never happen on the grounds of standing difficulties not being just occasional but law-like in such a way that a state of world appropriate for *x* to happen is excluded. That exclusion, however, is not one of the kind which implies violation of real possibility, that is, a state of world appropriate for *x* to happen is really possible but it will never arise according to prudent judgment. Thus *x* to happen can neither be predicted nor expected by the

tametsi admodum raro, dicetur etiam impossibilitas, sed non tanta neque ita simpliciter ac prior."

⁹⁵ Cf. *Nicomachean Ethics*, VI. 5 and 8–13.

prudent possessing sufficient empirical knowledge about the normal way of things. But, their knowledge being contingent, prognosis may reach extraordinary degrees of probability but no full certitude. So, pronouncing x to happen simply impossible says that there are no circumstances empirically known under which x shall happen although it is possible to conceive such circumstances without violating the laws of reality as known. Therefore, simple physical or moral impossibility depends on empirical and contingent knowledge of the world. *Mutatis mutandis*, the same goes for the use of the expression indicating great rareness as there are circumstances empirically known under which x may happen and these to arise, too, will not be predicted or expected. And since avoiding sin for long solely by natural powers is not rare but simply impossible it shall be this sense Molina intends.⁹⁶

In trying to confirm that distinction he cites Aristotle's assessment of the usage of ἀδύνατον according to *De caelo*: "Impossible' is said in two senses. Namely, either if it is not true to say that a thing can come to be, or if it does so not easily, or quickly, or well."⁹⁷ Indeed, Aristotle talks here about impossibility in physics since he refers to the truth of propositions about things or states of them. So, logical possibility of propositions and terms is already included, for lacking it propositions cannot even be wrong, and wrong and impossible are not the same.⁹⁸ True or wrong propositions about a thing's possible coming to be are due to physics, and physical knowledge differs from mathematical knowledge on the grounds of its indemonstrability in terms of scientific logic. Propositions about physical matters are never completely certain and must, therefore, stay open to revision. Thus, according to Aristotle, to claim classes of events impossible, basically, reflects the state of natural science. In order to prove it true the particular event's concept has to be given or sought for, the latter being done by starting with appearances. So, in short, in Aristotelian physics, declaring future events impossible means to say that there are no circumstances conceptually known under which such events shall happen. Therefore, asserting that some events shall never happen despite their logical possibility is asserting that depending on the present state

⁹⁶ *Concordia* I.20.5 (124¹¹⁻¹³): "Est ergo impossibilitas de qua loquimur non aliud quam difficultas tanta, quod res aliqua contingat ut merito arbitrio prudentis spectatis circumstantiis evenire non posse iudicetur."

⁹⁷ *De caelo*, ed. and trans. W.K.C. Guthrie (Cambridge, Mass.: 1986), 280 b12–14: Τὸ δ' ἀδύνατον λέγεται διχῶς. ἡ γὰρ τῷ μὴ ἀληθές εἶναι εἰπεῖν ὅτι γένοιτ' ἄν, ἡ τῷ μὴ ῥαδίως μηδὲ ταχὺ ἢ καλῶς.

⁹⁸ Cf. Aristotle, *Metaphysics*, ed. W.D. Ross (Oxford: 1924), 1047 b3–14.

of natural science such events will not happen. The second use Aristotle describes simply means “quite difficult,” that is, there are certain circumstances known under which an event may happen but these seldom take place. So Molina seems to refer rightly to Aristotle and uses “impossible” in the first sense of nonmathematical or physical impossibility.

Molina, at this point, silently changes the field. Having introduced nonmathematical impossibility referring neutrally to “res” in general, and further explaining that by citing the Aristotelian philosophy of nature, he now turns to morals. Doing so, literally, seems to go without saying since Molina is not interested in things not happening but in intelligent and free beings not acting in a certain way. However, he heavily draws upon physical impossibility. First, he states facts known by prudent judgment: there is weakness of the will; there are occasions to commit sin; man is obliged to avoid sin; man is capable of avoiding single sins; the longer the period of avoidance and the more or worse temptation gets the more difficult avoiding deadly sin gets; and since it is possible to stretch such a period of avoiding sin as long as one likes, avoiding sin becomes impossible, eventually. But from stretching time or multiplying tempting occasions follows neither change of quality of occasions to commit sin nor any change of man’s nature since change of quantity never possibly entails change of quality. So, there is always the same sort of difficulty in avoiding sin and man’s capability to do so remains the same as well. However, Molina declares it impossible to avoid every sin during a long time. Again, he cites *De caelo*, thereby introducing a more apt analogy to weakness of the will: “Doing successfully either many things or the same many times is difficult, like it is practically impossible to achieve a thousand times Chios throwing the dice, whereas to make it one or two times is fairly easy.”⁹⁹

Molina turns the Aristotelian example into moral relevance but changes it seriously. His interpretation is straightforward. The upshot is: the difficulty involved in producing events of the same class repeatedly rises according to the number of repetitions intended. That obviously does not hold for natural processes. But it does so well both to a comparatively low degree, for man’s artificial production being under control of technical knowledge and skill and, to high degree, in case of nonnatural events happening by chance. Both sorts of possible events share that their efficient causes do not consist in natural process but in man’s intentional

⁹⁹ *De caelo*, 292 a28–30: ἔστι δὲ τὸ κατορθοῦν χαλεπὸν ἢ τὸ πολλὰ ἢ τὸ πολλάκις, οἷον μυρίου ἀστραγάλους Χίος βαλεῖν ἀμήχανον, ἀλλ’ ἓνα ἢ δύο ῥᾶρον.

acting. Both differ, though just by degree, in regard of controlling the whole process of production and the outcome caused by acting. Although even an architect building a castle of the Knights Templar cannot completely control all of the natural and other circumstances which might influence the building process, it will still usually result in a specimen of the intended class of buildings and not in a bower or a heap of rubble. But one cannot exclude, completely, that this, especially the latter, might happen if the architect is asked to build 1,000 Templar castles. As everybody knows, throwing the dice is a quite different thing. Always supposing a gambler does not cheat, somehow he can do nothing but positing the efficient cause of the intended result, usually the game's best throw, simply by throwing. After that, there is no legal way to control their fall. So, determination of the final cause according to his intention is completely taken out of the gambler's hands, and he agrees to that simply by playing. Clearly, we have to ask as to whether acting morally and avoiding sin is to Molina more like throwing the dice or building Templar castles.

Now, the latter should be the case since soul's salvation is no matter of gambling. Firstly, Molina, apparently hinting at *Nicomachean Ethics*, makes clear that both he and Aristotle as well talk about moral impossibility:

So, what we try to teach at this place, then, is evidently the same as Aristotle intends to teach by his example cited above. Since, realizing how hard it is for man to soldier on in duty and to follow right reason in acting, he teaches that it is not hard for anyone to exert single acts as right reason prescribes; but it is much harder never to violate right reason the longer the time for acting gets and the more actions are to be approached; and the span of time can be made so long and the actions to be exerted so many that it is impossible to do them all in the right way; although it is not hard to do every single one in the right way which is shown by his example as clear as daylight.¹⁰⁰

Irrespective of the correctness of interpreting the Aristotelian example taken from natural philosophy against the backdrop of the problem of weakness of the will as exposed in *Nicomachean Ethics*, Molina, at any

¹⁰⁰ *Concordia* I.20.7 (125¹³⁻²¹): "Quod ergo hoc loco nitimur docere idipsum plane Aristoteles suo exemplo loco supra citato intendit docere. Cernens quippe, quam difficile propter partis sentientis repugnatiam homines in officio contineantur et in agendo rectam rationem sequantur, docet non esse difficile cuique exercere singulas operationes iuxta rectae rationis praescriptum; at eo esse difficilius numquam rectae rationi adversari quo per longius tempus agendum sit pluresque actiones sint accessurae; tantumque tempus posse constitui totque actiones in eo fore exercendas ut impossibile sit recte agere omnes, non difficile tamen singulas, quod exemplo proposito talorum luce clarius ostenditur."

rate, does so. Then, the analogy's upshot runs as follows. To do a single thing or to cause a single event according to right reason can be done easily by any man using his natural powers honed by some skill acquired by reflection or education and exercised by doing. It is difficult, only, to do that all the time. And this difficulty shall amount to impossibility if the period of time while one should do so is stretched long enough and/or the tasks to be fulfilled grow harder. That, at least to Molina, is as obvious as it seems to Aristotle. But asserting facts is not explaining them, and Aristotelian intellectualism has never really managed to solve that problem.¹⁰¹ At this point voluntarism comes into play. If practical reason is split into two parts, one, say the intellect, able to propose possible formal causes of acting according to right reason but unable to cause these efficiently, and another one, say will, unable to be forced to cause the same efficiently but able to do so by accepting, or refuting, or not acting, the problem appears manageable. But, also, there seems to be a high price to pay. First, insisting on accepting, refuting, and suspending possible formal causes of acting as proposed by intellect being the sole activities or states that will is capable of, one has to concede, too, that will itself cannot possess any definite determination or intention on its own. So, will has to be a neutral faculty of efficiently causing any action insofar it is presented to it by intellect, be it in accord with right reason or not. Any acting of will, then, stands under condition of being equipped by intellect with possible formal causes of acting. Thus will is absolutely free to choose by willing, nilling, or not choosing at all from the alternatives given. But arguing this way seems to run straight into the Leibnizian objection because, indeed, there is no sufficient reason for willing, nilling, or not acting to be seen and, even more, such a thing seems to be excluded systematically. Since will lacks the power of recognition simply by not being intellect it is damned to choose by chance. That way will's acting, clearly, more resembles throwing the dice than building a Templar castle. Will seems to be a first cause causing its actions blindly, furthermore, excluding imputation for injustice of imputing actions which cannot be known in principle since will can never know what it does or aims for, precisely, because it has no sufficient reason for doing as it does. Admittedly, the situation is quite nasty.¹⁰²

¹⁰¹ Cf. Risto Saarinen, *Weakness of the Will in Medieval Thought: From Augustine to Buridan* (Leiden: 1988).

¹⁰² This nastyness even pesters today, perhaps most prominently, Peter van Inwagen: cf. *An Essay on Freedom* (Oxford: 1983), 128/29.

However, Molina has more sources to draw upon than Aristotle alone, as well as other sources that the pagan philosopher was unable to draw upon. That is—to say it flatly—the voluntaristic solution of the problem of weakness of the will cannot forgo theological or, to put it more neutrally, transcendent elements.¹⁰³ Using again the four causes to explain the structure of man's practical reason, voluntarism may proceed as follows. First, man possesses the faculty to generate or present possible formal causes (i.e. intellect); second, there is a faculty of causing actions efficiently, will; third, final causes consist in single actions produced corresponding to some universal formal causes their material outcome influenced by contingent circumstances of acting after being caused efficiently; fourth, there must be a material cause which was already established soul but not considered fully. Obviously, since thinking, willing, and acting are determinable kinds of motion they depend on a substratum which can be no other thing than man's very existence being an individual of a certain class. And that, to skip some steps, ultimately depends on creation. As Christian faith teaches, man is created good not only in a technical or functional sense like all other inhabitants of the material world, but also in a transcendent, that is, moral, sense, for man is capable both of knowing the difference between good and evil and to reach life eternal. As Molina stresses, man's similarity to his creator is not extinguished by original sin. It is just weakened concerning its effect, for original sin has changed man's nature in terms of quantity. Since man's similarity to God consists in his capability to do good by his own will, both weakness of the will is explained by original sin on which Aristotle, of course, could not fall back, and man's natural inclination to strive for good, though being Aristotelian in principle, as well. So, technically speaking, the crucial difference between man's pre- and postlapsarian state consists in the unspecified bluntness of his natural inclination being now, by original sin, muddled with sensuality or irrationality. That is to say, that man by created nature is inclined specifically to moral good, whereas in his state of corruption he is inclined indifferently to all sorts of good, especially the sensuous one. Therefore, any time will acts it does so striving indifferently for some good, be that whatever it may, and the sufficient cause of will's

¹⁰³ This remains visible even in Kant's solution of the problem by elevating or restricting or banishing etc. such transcendent elements to the transcendental realm of the ideas of reason.

choosing lies in man's nature itself. But since it is corrupted by sin, will may choose wrong and be punished justly.

So, Molina has to assert will's capability to see, somehow, on account of its natural inclination whether some possible formal cause proposed to it corresponds to right reason. How would that be? First, it is clear that will cannot generate its own objects. So, its acting depends on intellectual activity which does not rob will of freedom because its causal function does not depend on a particular but just on some formal cause. Thus any action of will is both of the same class as election, and it must be done any time will acts, that is, willing and electing is equivalent. Second, will may allow its determination by right reason accepting its proposals led by former or future pleasant experience that is worldly and spiritual welfare in general. And even the latter, strictly speaking, does not depend necessarily on the grace of faith since, as countless examples show, the heathens, too, prefer to live in well-ordered environments founded on right reason and existing only by the rational behavior of inhabitants avoiding neighborly struggle and obeying general moral or juridical rules. As historical and private experience shows, will can be trained to trust right reason regardless of will's general weakness permanently endangering man to do wrong, but also empowering him to do good at any time, since will's weakness is not the same as malice. Now, that would be some voluntarism of a quite intellectualistic sort and, on top of that, based on a line of arguing which is, philosophically, highly suspicious¹⁰⁴ but, indeed, quite efficient if one accepts its metaphysical premises. Whether Molina actually follows that line should hopefully be clear at the end of the chapter. For now, we have to turn to his application of the Aristotelian example to his issue.

Molina starts by cutting away the element only fitting to physical impossibility (i.e. chance).¹⁰⁵ So, he uses the example just to explain difficulty amounting to impossibility in repeating actions willingly whose outcome is principally under the actor's control. Obviously, in this case, talking about throwing the dice is considerably more suggestive than talking about building Templar castles. But, likewise, talking about the latter would be more apt. Cutting off chance entails control of any circumstances

¹⁰⁴ This is enough reason to Smith (*Freedom in Molina*, 225) to erase Molina—unlike Leibniz who also uses the argument from man's natural inclination—giving, indeed, no philosophical proof of the existence of God from philosophy at all.

¹⁰⁵ *Concordia* I.20.8 (125³⁰⁻³²): "Si enim secludas casum fortuitum qui in iactu tali hoc vel illud signum reddentis cernitur, qui tamen in adimpletione vel transgressione praeceptorum non intervenit, siquidem ex electione fiunt..."

being possibly subject to rational action, that is, at least, will itself. So, will's efficiently causing actions cannot be blind anymore, since will acts by choosing and choosing implies some reason if it is set against chance. Thus difficulty amounting to impossibility precisely consists in repeating unlimitedly election of a single action's possible formal cause which corresponds to right reason when presented by intellect. What Molina asserts is, simply, that any repetition regardless of the intended or wished for number bears the same difficulty. If certain numbers do not matter in repeating such actions, as Molina emphasizes,¹⁰⁶ that any time an action of a certain class, that is, overcoming a single occasion to commit sin by natural powers, shall be done, there exists, necessarily, always the same obstacle which is weakness of the will. Therefore, the special difficulty in producing these acts can never be eliminated by natural powers in this life as it defines man's postlapsarian nature being its special difference to his created nature. For that reason, it may happen any time that man fails even if he has the potential of doing right at every single occasion, that is, man is capable of avoiding sin at any single moment, but not at each moment continuously. If man is able to avoid and commit sin at any single moment, and if man's nature is corrupted, each occasion to commit sin bears some difficulty to avoid it. However, obviously, there is no similar difficulty in committing it. Therefore, at any single moment, it is easier to commit sin than to avoid it. So, man has to struggle against his own corrupted nature anew, each time there is occasion to commit sin. Thus man, necessarily, is capable of avoiding sin at any single moment, and, possibly, he may do it again the following moment and so on. But the difficulty in doing so never grows smaller because it is rooted in man's own nature. And so, as Molina argues, the danger of doing the easier thing rises with each occasion to commit sin after having withstood the one before as the struggle starts again each time. Still, mere danger will never amount to necessity exactly because there is occasion to struggle each time anew. But neither putting up the fight nor winning is certain. On the contrary, losing becomes more probable each time. For, if losing is possible at any single time and if winning bears some difficulty each time, the danger of losing rises each time after having won continuously but it will never be necessary to lose.

Therefore, no determinate period of time can be given, either when it would be possible, or better particularly possible, to avoid all possible

¹⁰⁶ Ibid. (125^{34/35}): "ne quis in numero vim faciat."

sins, or when it would be necessary to commit sin. So, no one can say for sure how long, precisely, any individual will keep away from sin. On the contrary, if it is an essential dispositional feature of man's postlapsarian nature to be prone to sin in such a way that committing is easier than avoiding, being capable of avoiding it by natural powers unlimitedly would be against the same nature. So, actualizing natural potential to withstand at each time possible, that is, never to commit sin at all, would neutralize corruption and leave man corrupted undistinguishable from man created being against true faith and, even, against experience or natural reason which knows of corrupted nature only. Thus it corresponds both to man's corrupted nature and to man's knowledge of nature as well to conclude that man is never forced to act irrationally, that is, to commit sin, by some necessity although he will do so sometimes even if these moments cannot be predicted. Therefore, there is no physical impossibility to avoid sin during a more or less lengthy period of time because it is exactly by his special nature that man is capable of avoiding sin at any single moment of time so that there is no necessity to commit sin at any single moment. However, there is, for sure, moral impossibility to do so since from avoiding sin one or two times it does not follow that it gets easier, again according to man's nature. It does just follow rising danger to commit sin at further occasions due to weakness of the will, that is, the sign of corrupted nature. So, man's capability to avoid sin at any single moment of time by natural powers is compatible with the moral impossibility to avoid sin during an indeterminable longer period of time. The argument from measurement of time comes to nothing on the grounds of mistaken categories. For moral impossibility is no issue of quantity and, therefore, no matter of mathematics, but it is, indeed, an issue of quality and, therefore, a matter of metaphysics.

2. *The Meaning of Indifference: Molina vs. Ockham*

Having defended non-Pelagianism and the logical soundness of his theory, Molina attacks the theory of free will he ascribes to William of Ockham and Gabriel Biel. At first sight, this seems like friendly fire, for even Ockham and his school define freedom of will in terms of indifference.¹⁰⁷ However, according to Molina, they do so in a way which eliminates human freedom altogether. Again, scrutinizing as to whether or not Molina's exposition

¹⁰⁷ Cf. Marilyn McCord Adams, "Ockham on Will, Nature, and Morality," in *The Cambridge Companion to Ockham*, ed. Paul Vincent Spade (Cambridge: 1999), 245–72.

is fair or even simply correct must be left aside at this place. At any rate, it is certainly quite astounding at this occasion to find Molina referring to Ockham's discussion of God's knowledge of future contingents. Anyway, ignoring growing suspicion, Molina's criticism, basically, rests on Ockham's lack of consequence, opening his position to *reductio ad absurdum*. First, Molina states the alleged doctrine. Ockham denies freedom of will at each single moment because he denies will's continuous potential to elect counterfactually, being in a state of indifference only immediately before acting:

right at the moment when it chooses a certain volition will is not free to choose it not or to choose the opposite act and, conversely, right at the moment when it does not will or chooses a certain nolition will is not free to will the same object but, just before this very moment when it reaches the selfsame moment, in it has been freedom to will or not to will or to nill the object indifferently; but just for the reason, that it reaches this very moment when it has chosen by preceding freedom, it is, immediately after this moment, free to persist in its volition or to desist from it or, even, if it wills to choose the opposite volition (in which, he says, it is different from causes acting by natural necessity being unable to desist from acting when existing under the same circumstances), but it is not free to will or to nill one and the same thing indifferently in this very moment.¹⁰⁸

In order to prove his claim, Ockham, as Molina presents it, uses three metaphysical arguments. (1) There is no real potential of will to nill *x* exactly at the same moment as it wills *x*. Therefore, in willing, will does not have simultaneously the faculty of nilling the same object. That holds good for God, too, who is, according to the principle of contradiction, not capable to nill at the same time as He wills. Evidently, the latter entails the former. (2) So, will possesses *potentia ad contrarium aut contradictorium* only before it has got a particular volition or nolition,¹⁰⁹ and freedom of

¹⁰⁸ *Concordia* I.24.1 (155⁶⁻¹⁷): "voluntatem in quo instanti elicit volitionem non esse liberam ad eam non elicendam aut ad elicendum contrarium actum, et e converso, in quo instanti non vult aut nolitionem elicit, liberam non esse ad volendum idem obiectum, sed solum ante illud instans fuisse in ea libertatem ut, cum ad illud idem instans perveniret, indifferenter vellet aut non vellet nolleve obiectum; eo vero ipso quod ad illud instans pervenit, si ex libertate praecedente velit, esse liberam ut immediate post illud instans in volitione sua persistat aut ab ea desistat vel etiam, si velit, eliciat contrariam volutionem (in quo, ait, differt a causis agentibus ex necessitate naturae quae existentibus eisdem circumstantiis desistere nequeunt ab operatione), non vero esse liberam ut in illo eodem instanti indifferenter unam et eandem rem velit aut nolit."

¹⁰⁹ *Ibid.*, I.24.3 (155²⁴⁻²⁶): "*Confirmatur*, quoniam vel potentia ad contrarium aut contradictorium solum convenit voluntati, antequam habeat actum volitionis, aut cum ipsum actum in se habet."

will to act counterfactually exists only at the moment before being determined. It is this Molina denies because will “is already under volition,”¹¹⁰ presumably intending that, actually and—obviously—against Ockham’s opinion, will does not jump into determination instantaneously but, while acting, travels through some process towards determination. If that process, on the whole, is defined by willing or nilling either Ockham’s doctrine violates the principle of contradiction, for any time will acts it either wills or nills right from the start. (3) According to Aristotle and Boethius, potential events are necessary after having become actual, insofar they cannot be changed anymore (i.e. by temporal necessity).

Restricting will’s indifference on the time immediately before determination Molina considers “not just false but dangerous and thoughtless as well.”¹¹¹ And rejecting it, clearly, bounds him to hold that will’s acting leads to determination by the way of some process, eventually finished with a particular volition or nolition defining the same process as its final causes or with suspension involving no decisive action of will, yet thereby not negating any acting of will. So, again, it is the four causes forming the structure of will’s actualization we have to turn to. Indeed, processuality of will’s self-determination is going to be Molina’s central argument in refuting Ockham. Still, first he presents three reasons for his charge, seemingly rather theological. (1) Although God was free to create the world, He was neither free to nill creation before He had willed it, since He had willed it from eternity, before which there was no time at all, nor was He free to nill creation after willing it since in God there is no change at all.¹¹² Thus ascribing free will to God demands indifference of will while willing. In order to save free will in these terms one is obliged to identify indifference with will’s potential to act otherwise, respectively counterfactually while acting. So, will’s state of determination must be distinguished from a state of mere actualization notwithstanding the fact that the same, possibly leading to some particular volition or nolition, can be defined from that end only, as the doctrine of four causes specially designed for defining particular motions, teaches, even allowing to differentiate all of the four causes concerning one and the same acting substance. (2) Concerning the first free agents God created, on the one hand, there is simply no space for indifference before they act for the first time which makes, on the other hand, Ockham’s assumption superfluous. It is common theological opinion,

¹¹⁰ Ibid. (155²⁸): “iam est sub volitione.”

¹¹¹ Ibid., I.24.5 (156^{1/2}): “non solum falsa, sed et periculosa ac temeraria.”

¹¹² Cf. ibid. (156).

shared also by Ockham, that the angels did act meritoriously right from the first moment of creation being accountable for their actions right from the start. So, there was no state of indifference before acting when they could have been free in the alleged way. But free they must have been, for otherwise there could not have been any merit, just imputation. Freedom, then, will consist in the potential of acting otherwise while acting in a certain way, that is, the potential to nill x while willing it and, consequently, to stop doing the latter in favor of the former. As there is no space for indifference before creation's first moment when the angels started to act, too, there is no need for the kind of freedom alleged because it does not explain anything which, on the contrary, causal analysis does. (3) Ockham's position entails the impossibility to commit sin by actual acting. Since will has ceased to be indifferent, being determinated any blame, entirely, is going to have been arisen immediately before acting because there is no place for blame where freedom lacks. Now, if freedom consists in will's indifference before actually acting it has to be exactly that state of indifference bearing blame or merit either. However, this entails the nonsensical opinion that no imputable action ever consists in committing or omitting it for will acts by instantaneous election and indifference excludes election with respect to having elected.

From that base Molina launches his crucial argument attacking the instantaneousness of determination of man's will:

Then I may ask, whenever they say that blame has existed immediately before the following act, in the period of time immediately before or in the moment of time immediately before? Not in the moment of time immediately before because there is no such thing in time as an immediate moment as the philosophers prove; and not in the period of time as well whatever period of time may be given because in its first half, approaching the moment when something against the law of God is going to be willed, will possesses freedom to will it not and even in the second half what it wills will not be determinated, so, by no means, there will be blame in the first part; therefore, even in the whole span of time given, one cannot say he has sinned.¹¹³

¹¹³ Ibid., I.24.7 (156³⁸–157⁵): "*Deinde* petam, vel, dum dicunt immediate antea extitisse culpam actus sequentis, intelligunt in tempore immediato vel in instanti immediato? Non in instanti immediato, eo quod non datur in tempore instans immediatum instanti, ut Philosophi demonstrant; neque item in tempore, quandoquidem dato quocumque tempore, cum in ea dimidia parte illius quae est versus instans in quo voliturus est aliquid contra legem Dei habeat libertatem ad illud idem non volendum nec in altera priori dimidia parte statuerit tale quid velle, nulla utique erit culpa in priori parte; ergo nec in toto tempore dato peccasse dicatur."

Molina's line of attack, at first sight, appears to be as uncommonly blunt as curious, especially its first part, which is remarkably short and simply consists of a laconic reference to some significant fact about time proven by philosophy. Always supposing that Molina does not deal in rhetoric alone, the argument he hints at is to be reconstructed from scratch. What Molina denies is the arising of moral relevance of actions before, even immediately, will's determination has been completed by the presence of a particular final cause of acting, being volition or nolition. On the contrary, according to him, moral relevance inheres just complete actions. In order to refute the opinion attacked, he tries both possible versions of reading "immediately before" denoting either a single moment or a period of time.

As mentioned, his refutation of the first sense is extraordinarily short: there is, simply, no such thing as an immediate moment in time present or forthcoming, therefore no action can be committed in it at all. This sounds quite strange, for Molina has made great efforts to show will's power of self-control at any single moment of time. However, if there is no such thing, what is left for will to control? In order to solve that puzzle both Molina's formulation and his reference must be taken seriously. First, he does not deny either the possibility of the concept of one single moment of time or the existence of single moments. What he actually denies is the existence of immediate moments in time present or forthcoming. Of course, the ambiguity of that last expression—"in tempore instanti"—is irritating, for in its first sense it seems to deny presence at all. But, even that does not follow reminding Augustine's famous treatise on time as *Confessions XI*, while not denying immediate presence metaphysically, just raises the problem of man's knowledge of it which being under condition of reflection and therefore always coming too late certainly cannot be immediate knowledge. However, fortunately, we do not have to turn to theory of consciousness since Molina does not refer to Augustine's idea of time nor does he treat the same problem. Instead of that he refers to philosophy having delivered some appropriate demonstrations which, though, seems to go literally without saying. In this case, to be on the safe side, it seems to be advisable to turn again to Aristotle's philosophy of nature fitting to Molina's previous discussions. Founded on his metaphysical theory of motion, Aristotle, in *Physics IV*,¹¹⁴ works up a concept of time strictly serving as a means to quantitative measurement

¹¹⁴ Cf. Aichele, *Ontologie des Nicht-Seienden*, 176–222.

of motion concerning the before and after defining each possible particular movement.¹¹⁵ Both its start and its end are marked by logical entities Aristotle calls “the now” (τὸ νῦν) identifying only the border between a given motion is considered to have been started (i.e. before), and it is considered to have been ceased (i.e. after). The period in-between can be divided into periods getting infinitely smaller because the subject measured is motion progressing continuously. The upshot is that between any thinkable pair of nows lies again a period which can be divided infinitely. Therefore, first, there is no such thing as absolute precision of time’s measurement in terms of correspondence to proceeding real motion, and, second, there is no such thing as a particular now coming immediately before another one according to the same terms. Thus it cannot be true to propose the existence of a single moment in the Aristotelian sense of now being immediately before a forthcoming one wherein some motion starts or is finished.¹¹⁶ However, will’s actualization is a certain motion accomplished by volition or nolition. So, there is no immediate moment before identifiable volition or nolition when will would have been in a state of indifference in regard to its particular determination finally reached.

Still, certainly, there is a period of time before will has been determined. But even that does not help. For any given period of time may be divided, say split in half. So, let the second half’s end be defined by particular volition to act against the law of God during which period, until that decision is finally made, will has been free to decide otherwise, whereas will has been indifferent during the first half anyway. Even conceding that will would not have been free to change his direction during the second half—which, clearly, should be so, will not having reached a final decision yet—will could not have been done anything wrong in the first half on the grounds of his indifference. Therefore, it is not true to propose will’s committing sin during the whole period of time immediately before final determination. And reiterating this according to the argument from continuity, changing immediate moments for immediate periods leads to nothing.

Further, as Molina’s last argument goes, a person may die at the moment he would have committed sin by willing against God’s law had he only lived through it. If he would be to blame for the immediate period

¹¹⁵ Cf. *ibid.*, 350–54.

¹¹⁶ Cf. Richard Sorabji, “Aristotle on the Instant of Change,” in *Articles on Aristotle*, 4 vols., ed. Jonathan Barnes, Malcolm Schofield, and Richard Sorabji (London: 1975), vol. 3, 158–77.

of time before he would be condemned to hell without having done anything against the law by committing or omission, that is, for having done nothing. This is not only refused by common sense but also by the authority of Augustine stating, "that no one is damned for something he would have done if he had lived but for something he has done as he lived."¹¹⁷

So, firstly, what should we make of Molina's talk of single moments and definite actions? Obviously, there is no problem of compatibility of simultaneously holding absolute willpower at any single moment of time and refuting its restriction to moments or periods of time immediately before will's determination and either justification, for, concerning the former, Molina strictly focuses on quality and, concerning the latter, he discusses quantity. But, likewise obviously, he sees will's determination as a kind of process terminating in particular actions (i.e. volitions and nolitions), being imputable and necessitated by nothing, not even by will's own acting before having reached them since will is free at any single moment, meaning its potential of acting counterfactually based on indifference. Arguing in this way, there arises the problem of explaining some particular movement, that is, determination of will, without being able to identify efficient and final cause in terms of measurement of time concerning its before and after. For, if that motion's final cause, that is, particular volition or nolition, is not determined by its efficient cause, that is, will's actualization, in such a way that it follows necessarily, the unity and identificability of that particular process is lost, and will and its actions remain completely mysterious. Moreover, it would make any act of will a miracle since then will acts instantaneously, which cannot be explained by any mode of natural motion except coming to be and passing away, anyhow excluding action of will. However, this, even according to Molina, is impossible since there cannot be any natural movement without actualization of corresponding potential. At this point, Molina refers to Scotus,¹¹⁸ firstly, trying to solve the problem presented and, secondly, defending the solution found against reproach of self-contradiction as raised by Ockham.

Concerning the first task Molina writes referring to Scotus:

Therefore, it is to say that, to which moment of time it may come down, will precedes its act by natural priority as any other cause precedes its effect.

¹¹⁷ *Concordia* I.24.7 (157^{11/12}): "neminem damnari pro re quam gesturus esset, si viveret, sed pro re quam, dum viveret, gessit."

¹¹⁸ As usual, it is not convenient at this place to discuss the correctness or appropriateness of Molina's interpretation.

Since, that will exists is, at any moment of time, prior by nature to the very moment an act emanates from it. But this natural priority has got a true substantial foundation. So, because will is a free cause according to its very nature, that is in whose possession is to will or to nill or to contain itself from any act and to will nothing, by any means, it exists at any moment of time, therefore, at the moment prior to that very moment. Therein the substantial foundation is understood that, insofar it precedes by natural order its act, in the faculty of will lies either to do nothing or to choose volition or nolition, just as he may prefer.¹¹⁹

As at the outset, Molina concentrates on will's causality, once more using classical Aristotelian terms and doctrines. As above, will functions as efficient cause of its own effects, that is, volition and nolition being its particular final causes or, seemingly, even suspension. Since will is a natural quality of natural entities and, as it is with causal relations in nature, the efficient cause precedes its effect, will forming an efficient cause has to be prior by nature to his particular actions. That priority consists in will's being (*esse*) itself given at any moment of its subject's existence. Will is as continuous and identical with himself as soul, and that continuity of its being is at any possible moment prior to any particular act possibly produced by will. This teleological explanation is founded also metaphysically as, indeed, there are, to put it in an Aristotelian way, phenomena being prior to our knowledge which can be explained in accordance with natural order by will's being. If will is, as explained before, by essence a free cause putting itself into action by determining itself spontaneously, then will's existence shows itself each time it produces particular and identifiable actions as these actions can be explained by will's being without violating the model of causality in nature. Therefore, processuality of acting for the end of determination being metaphysically necessary is saved by simply inferring cause from effect. And since these effects are different from natural events necessarily occurring according to the natural order their cause has to be a free one.

Eventually, even will's ontological structure can be construed, but in a way distinctly anti-Ockhamistic. If will has the power to will nothing, that

¹¹⁹ *Concordia* I.24.8 (157¹³⁻²²): "*Dicendum itaque est... voluntatem, ad quocumque temporis punctum deveniat, prioritate naturae antecedere suum actum, ut quaevis alia causa suum effectum praecedat. Prius etenim natura est voluntatem esse in quocumque temporis puncto quam in eodem ab ea actus emanet. Haec autem naturae prioritas verum fundamentum in re habet. Cum ergo voluntas suapte natura sit causa libera, hoc est in cuius potestate est velle aut nolle aut continere omnino actum et nihil velle, utique in quocumque temporis puncto existat, in eo priori eiusdem puncti in quo fundamentum in re concipitur ut naturae ordine antecedens suum actum in facultate ipsius est vel nihil omnino agere vel volitionem aut nolitionem elicere, prout maluerit.*"

is, to abstain from determinating himself to some particular and identifiable action, too, will cannot be a mere real potentiality to act, for then will would have to be defined ontologically as a nonbeing. However, on the contrary, Molina defines will as a being which exists continuously and is self-identical. Thus will can never be unactualized in *sensu stricto*, and even its potentiality entails acting. But such acting will be indifferent and insofar both unidentifiable and empirically unknowable since will's continuous activity is made to know only by its particular and identifiable actions being possible objects of experience, as any motion can be known from its end alone. So, Molina's use of Aristotelian epistemological instruments, that is, fourfold causal analysis and distinguishing natural and epistemic priority, leads to a transcendental explanation of will's being which is appropriate to grasp absolute freedom of will naturally. Clearly, explaining it that way does make it simply superfluous to press God's special concurrence into the role of a necessary condition of certain single actions of will because general concurrence is enough to explain any single action if will's acting, generally, is in accordance with nature's order, that is, if it can be explained without leaving or, even, destroying the model of causality as it is discovered in nature.

Therefore, continuous indifference of will in the sense of real potentiality to act counterfactually does not entail violation of the principle of contradiction since, as it comes to light, it is precisely indifference which defines will's aforementioned activity being his natural state cognizable as material cause of possible action. So, Molina proceeds:

From which follows that, to which moment of time it may come down, prior by nature than it determinates itself to something of the aforementioned by its inborn freedom, the faculty certainly does not have one and the same object of willing or not willing at the same moment of time neither instantaneously nor successively as if, at the same moment when it has determinated itself to one part of the contradiction, it could chain to it the other one (since both entail contradiction and just this proves the case for Ockham's opinion), but the faculty has it that it indifferently wills or nills or is empty of any act at the same moment. For just this reason that it determinates itself freely to one of the three posterior by nature it is already unable to determinate itself to another one at the same moment of time.¹²⁰

¹²⁰ Ibid. (157²²⁻³¹): "Quo fit ut, ad quodcumque temporis momentum deveniat, prius natura quam ad aliquid praedictorum pro innata sua libertate se determinet, facultatem habeat non quidem ad volendum et non volendum in eodem puncto temporis unum et idem obiectum simul aut etiam successive, quasi in eodem puncto, postquam se determinavit ad unam partem contradictionis, alteri subiacere possit (utrumque enim contradic-

So, it is not merely real potential miraculously jumping into determination out of its indifference of nonbeing which is prior by nature to action. If so, indeed, the alleged indifference would entail contradiction, as Ockham objects, either, blatantly impossible, at a single moment or during some clandestine transition between contradiction's affirming and negating part which is, also, excluded from possible movements of identical substances since such motion denotes, metaphysically, change from being to nonbeing or vice versa.¹²¹ However, that does not happen because, according to Molina, will's being itself consists in indifference. Therefore, self-determination does not contain substantial change, evidently being impossible, but just qualitative modification being possible at any single moment given some efficient cause. Thus ascribing to man's will natural indifference does not entail violation of the principle of contradiction for, if will's being must be prior by nature to determination and if will's being consists in indifference, then indifference precedes determination, necessarily, at any time without annihilating indifference with respect to freedom. As Molina concedes, Ockham's alleged objection holds well enough in *sensu ordinata*, that is, if will is viewed from the point of determined action wrongly taken by Ockham for his essence as Molina seems to suggest. But that objection does not hit in *sensu absoluto*, that is, if will is defined, essentially, by indifference and real potential to qualify the same indifference to particular determinations independent of any other cause different from will himself, thereby necessarily entailing, on account of the sheer concept of potentiality, the possibility of remaining indifferent. Therefore, at any single moment, will possesses real potential either to determinate himself to particular volition or nolition or not do so without violating the principle of contradiction since his being indifferent is prior by nature to his self-determination being posterior by nature. Thus real potential to act contradictorily or contrarily falls to will even in states of determination because they are posterior to will's nature. To will each possible determination forms just an accidental qualification presupposing corresponding potentiality, being will's essential indifference which cannot be annihilated by contingent actions.

tionem implicat et id solum probant argumenta pro opinione OCHAMI), sed facultatem habet ut indifferenter velit aut nolit aut ab omni actu pro eodem instanti vacet. Hoc ipso vero, quod posterius natura libere se determinat ad unum illorum trium, nequit iam in eodem temporis momento ad aliud se determinare."

¹²¹ Cf. Aichele, *Ontologie des Nicht-Seienden*, 97–117.

Discerning ordained and absolute sense even fits to posterior necessity of contingent events in the sense of unchangingness. As Molina affirms, each effect produced by some cause becomes unchangeable when it has transcended its efficient cause, that is, if said effect exists independently from that cause forming an extramental state of affairs. However, this is not the case with particular mental acts emerging from some efficient cause being free and indifferent simultaneously, if these effects are viewed from their generation's point, that is, as final causes of will's determining process. For then, they still do not transcend will's realm and may be either indifferent or not since their existence depends on a free cause. Or, to put it in another way, as long as will's determination consists in pure mental acts being particular and identifiable while not (yet) efficiently causing changes of the extramental world and, thus, transcending will's action, their being is indifferent in itself and therefore, in no way, necessary.

V. EXISTENCE OF FREEDOM

The strategy of justifying freedom's real possibility transcendently suggests at least an attempt to prove its worldly existence. Clearly, this cannot be done using syllogistic demonstration as subjects both of physics and of ethics as well elude scientific knowledge. Consequently, Molina collects circumstantial evidence reminding juridical deduction¹²² which amounts to a vast chapter divided in reasons taken from natural light, respectively philosophy, revelation, ecclesiastical doctrine, and Christian authority. These reasons shall simply be summed up in conclusion since the crucial and the philosophically most interesting points of Molina's argument lie in his discussion of freedom's possibility.

Starting "with reasons from the natural light,"¹²³ Molina, first and foremost, mentions the common everyday experience of acting intentionally while lacking any consciousness of necessitation which could serve as evidence against everybody's self-experience. Turning a blind eye to that

¹²² Using that model for other theoretical aims stays quite common, at least, until Kant and, with remarkably less reflection, German Idealism. Cf. Alexander Aichele, "Metaphysisches oder logisches Systemprinzip? Die Dynamik des Unbedingten und seine Deduktion in Schellings Naturphilosophie von 1799," in *System der Vernunft 3: System und Systemkritik um 1800*, ed. Christian Danz and Jürgen Stolzenberg (Hamburg: 2011) 111–136.

¹²³ *Concordia* I.23.1.1 (134⁹): "a rationibus lumini naturae."

fact by denying free will may be met with another, quite drastic and also evident, experience:

That's why it should be acted not with reasons but with tortures against the deniers of free decision. Since such people should be whipped or burned with fire until they would confide that it is no less in our power to refrain from torture than to apply torture. We should answer to the complainers: Why do you complain about us? Why, you have professed yourselves that there is no other thing to do in our power but that which we actually do.¹²⁴

What leads to such macabre or absurd consequences in earthly business amounts to sheer blasphemy concerning otherworldly matters as, obviously, God acts unjustly, punishing man if he is not capable of abstaining from any act.¹²⁵ That would make God himself the cause of all sin and only punishing himself would be just of him. The same goes, of course, *mutatis mutandis* for every moral judgment or punishment on earth as it was made clear before in the light both of the argument from imputation and sin's concept itself.¹²⁶ Furthermore, as Molina adds, denying free will eliminates the border between man and animal,¹²⁷ the former being created after God's image, precisely, by the gift of free will since by mere reason alone man may just top the cruelty of a wolf among sheep by technical sophistication, but he will never be able to commit sin.¹²⁸ Next, ancient philosophers, namely Plato and the Stoics, led by natural light itself, denied submission of man's actions under blind fate in favor of free will.¹²⁹ This has been affirmed by Aristotle's examination of virtue and voluntariness in his *Nicomachean Ethics*, both ideas being connected by the fact of potential acquisition of virtue which forms therefore an accidental quality of single persons making them accountable for their actions for the reason of universal possession of said potentiality.¹³⁰

After listing a long series of passages from the Scriptures and quoting the conciliar condemnations of Priscillianus, Wycliff, and Luther, Molina

¹²⁴ Ibid. (134²⁰⁻²⁶): "Quare adversus negantes libertatem arbitrii non rationibus, sed cruciatibus esset agendum . . . Essent namque eiusmodi homines verberibus afficiendi aut igne torquendi, quousque confiterentur non minus in nostra potestate esse a cruciatu cessare quam cruciatum inferre. Conquerentibusque illis de nobis respondendum esset: Quid de nobis conquerimini? Cum vos ipsi profiteamini non esse aliud in potestate nostra quam quod facimus."

¹²⁵ Cf. *ibid.*, I.23.1,2 (134f.).

¹²⁶ Cf. *ibid.*, I.23.1,3 (135f.).

¹²⁷ Cf. *ibid.*, I.23.1,2 (134²⁷⁻²⁹).

¹²⁸ Cf. *ibid.*, I.23.1,3 (135f.).

¹²⁹ Cf. *ibid.*, I.23.1,4 (136¹⁴⁻¹⁸).

¹³⁰ Cf. *ibid.* (136²⁰⁻²⁹).

turns to the church fathers at length. The arguments brought forward can be arranged in three groups, namely logical, causal, and teleological ones. There are two main members of the first group. First, determination of man's actions by nature (e.g. the motion of the stars, or, more generally, fate) contradicts the Last Judgment and punishment and reward in general. So, the faithful cannot believe in fate and Christ at the same time.¹³¹ Second, reason and free will are equivalent qualities so that "whatever uses reason even possesses freedom of decision."¹³² The most central causal arguments are: (1) God's foreknowledge does not efficiently cause future contingent deeds, may these be good or evil, since their sources (i.e. virtue and vice), too, are generated contingently by created beings.¹³³ (2) On the contrary, the cause of all actions is free will, except of course those which occur by natural necessity.¹³⁴ (3) Man's will, at least in *sensu ordinato*, is first cause of action which is, clearly, compatible with God being first cause of will's being.¹³⁵ Finally, there are two major teleological arguments, one being the argument from imputation which needs no more repeating, and some variants of it. The other one might be called the argument from superfluousness: both revelation of God's Commandments and man's faculty of recognizing good and evil are superfluous if will does not exist, for a rule which cannot be obeyed is senseless, and practical knowledge which cannot be followed is useless.¹³⁶ So, after all, it seems to be quite reasonable to assume even existence of free will after its real possibility has been demonstrated.

¹³¹ Cf. *ibid.*, I.23.4,6 (143): Origen; I.23.4, 11 (145): Basil.

¹³² *Ibid.*, I.23.4,12 (145^{35/36}): "quicquid ratione utitur arbitrii quoque libertatem habeat (John of Damascus)."

¹³³ Cf. *ibid.*, I.23.4,2 (141f.): Justin the Martyr.

¹³⁴ Cf. *ibid.*, I.23.4,6 (143): Origen; I.23.4,12 (145f.): John of Damascus; I.23.4,18 (150f.): Augustine.

¹³⁵ Cf. *ibid.*, I.23.4,12 (145f.): John of Damascus; I.23.4,14 (148 f.): John Chrysostomus.

¹³⁶ Cf. *ibid.*, I.23.4,10 (144f.): Gregory of Nyssa.

DIVINE FOREKNOWLEDGE OF FUTURE CONTINGENTS AND NECESSITY

Petr Dvorak

This chapter explores some issues in the late scholastic free will debate in relation to divine foreknowledge of future contingent states of affairs. The author under scrutiny is Luis de Molina (1535–1600). After presenting a broader framework for the problem of foreknowledge, we will deal with this issue itself. In line with the scholastics we will focus on two important questions: first, whether there is certain divine foreknowledge of future contingents; and second, if there is such foreknowledge, whether its certainty imputes any necessity to future states. We shall address both questions in turn.

I. A BROADER PERSPECTIVE ON FOREKNOWLEDGE: DIVINE CAUSATION

Before entering into the issue of divine foreknowledge, let us briefly outline the broader picture and address the logically prior issue of divine causation in order to understand why an adequate explanation of divine foreknowledge is of paramount importance in Molina's philosophical theology. Divine foreknowledge is a key component in and a necessary condition of divine providential care and governance of the course of the world. Yet in the broader metaphysical framework of philosophical theology, the problem (i) how God knows singular future contingent states of affairs has to be squared with solutions to other issues; namely, (ii) the logically prior question of how God brings about the causal action of natural agents, (iii) a particular conception of human free choice and moral responsibility, and, possibly, (iv) God's causal responsibility for evil in the world. A particular solution to (ii) can have a direct effect on the solutions to (i) and (iii), as well as (iv). The desiderata of an orthodox Christian theism shared by the various late scholastic schools of thought are clear:

1. God as the first cause has to be causally responsible for any logically contingent state of affairs, at least in the sense of his action being a necessary if not sufficient cause of the truth of any logically contingent statement.

2. God knows the truth of any logically contingent statement including the statements about singular future states of affairs which are either human free decisions or the result of these.
3. Humans have to possess free choice, defined in such a way that it is sufficient for their being morally responsible for their actions.
4. God is in no way directly causally responsible for evil.

Molina developed his theory in opposition to 16th-century Thomism, which interprets the first desideratum strictly:¹ God being the first cause requires divine action to be the sufficient cause of any logically contingent state of affairs. Consequently, it is easy to uphold claim 2, as God knows his intended sufficient causal contributions to any future happening. So in Thomism, foreknowledge is easy to explain. The price to pay is high, however, for it is doubtful whether claim 3 can be met in Thomism. Freedom of choice has to be characterized in compatibilist terms. In any case, it cannot be libertarian (i.e. excluding any sufficient causal determination prior to the self-determination of the free choice capacity itself). It is also much more difficult to exonerate God from direct causal involvement in evil.

In contrast, Molina denies that God would sufficiently determine human volition. What is more, opponents charged Molina with not doing justice to claim 1, for his theory makes God a necessary condition of any logically contingent state of affairs only in a weak sense. Hence, in comparison to Thomism, the consequences for the remaining claims are inverse: foreknowledge of future free states of affairs is *not* easily explained, because divine causal contribution is not sufficient. Since God does not sufficiently determine human volition, the resolution of divine will concerning the course of the world, existing from eternity, is not a sufficient source by itself to know in advance which of the contradictory pair of propositions about at present causally indeterminated singular future states of affairs is true. Thus an ingenious account of divine knowledge is needed which does not rely on divine will but, instead, on some special powers of divine intellect. It is the task of the present study to outline the contours of such a theory put forward by Molina and others. On the other hand, a Molinist

¹ D. Alvarez, *De auxiliis divinae gratiae et humani arbitrii viribus, et libertate, ac legitima eius cum efficacia eorumdem auxiliorum Concordia* (Rome: 1610). D. Bañez, *Scholastica commentaria in primam partem Angelici doctoris D. Thomae* (Lyons: 1588). F. Zumel, *De Deo, eiusque operibus: Commentaria in primam partem sancti Thomae Aquinatis consecrata, tomus primus* (Salamanticae: 1585).

reading of claim 1 is fully compatible with there being libertarian freedom. Also, in not being a sufficient cause of the particular nature of human volition, God is not causally responsible for their possible deficient evil status.

Thus it is the particular interpretation of claim 1 which makes the difference. Its sense affects whether there can be libertarian freedom and what theoretical possibilities remain open for divine foreknowledge. It is clear that while the Thomists put emphasis on and stress the divine causal role in reality being prepared to “bite the bullet” as far as freedom and evil are concerned, for the Molinist the thing not to be sacrificed is a robust conception of human freedom.

Given the importance of claim 1, it remains to be shown precisely where the difference between the two interpretations lies and why it arises. As for the latter question, it is important to note that both readings originate in Aquinas in the sense that both are interpretations of some of his doctrines. Both theories were developed within the context of commentaries to the first part of Aquinas’s *Summa theologiae*.² There, as well as in other works, most notably, *Disputed Questions on the Power of God* and *Summa contra gentiles*,³ the Angelic Doctor specifies the following divine causal roles in relation to creation:

1. God is the creator of every object and every property thereof, including causal powers.
2. God conserves in being every object and every property thereof including causal powers.
3. God applies each and every causal power of any created agent to action.
4. God causes any effect of any created agent as the principal cause, while the created agent acts as an instrumental cause of the same effect.

While role 1 refers to creation and role 2 to conservation, roles 3 and 4 express Thomas’s concurrentism (i.e. an idea that God is a co-cause of any effect of any created agent, whether free or not). From an Aristotelian

² See, e.g. D. Bañez on the one hand and L. Molina, *Liberi arbitrii cum gratiae donis, divina praescientia, providentia, praedestinatione et reprobatione, concordia* (Antverpiae: 1595; first edition: 1588) which is a collection of commentaries to selected questions and articles from the *Summa theologiae* by Aquinas on the other.

³ T. Aquinas, *Summa theologiae*, I, q. 105, a. 5; *Quaestiones disputatae de potentia*, q. 3, a. 7; *Summa contra gentiles*, III, c. 67.

viewpoint, a metaphysical analysis of an agent's causal action on some patient includes several moments: the action itself is a reduction of some potency in the patient to act (e.g. water becomes hot). This very change occurring in the patient, under a different description, is the reduction of the causal power of the agent to act (from second potentiality to the so-called second act). Thus the heating of water is also the actualization of the causal capacity of the fire to heat up objects in its proximity. Ontologically, the change in the patient and the actualization of the causal power are the same. Nevertheless, there is yet a third reduction of potency to act different from the first two: namely, one occurring in the agent—in order to actualize its power and incur change within the patient, the agent has to undergo change itself. This is not the action as such, but a prerequisite that the action might take place. For instance, either the object to be heated or the fire has to be spatially moved to somewhere in close proximity which is necessary for the action of heating to occur. On Aristotelian assumptions (a) that this third reduction from potency to act in the agent, the so-called application of the agent to action, is a prerequisite for the agent's causal action, (ii) that since there is no self-change the change in the agent is a causal action accounted for by yet another agent, and (iii) the regress in agents cannot be infinite, God as the first unmoved mover is causally responsible for any causal action of any created agents as its remote cause applying the created cause to action (role 3).

As this application of an agent to action obviously happens in situations when some principal agent uses an instrumental agent to incur some changes in the patient (as for example, a knife used for cutting is first moved by a human person). Aquinas connects this application model of divine action to the fourth role in which God causes the effect of the created cause as a principal cause by using the created cause as his instrument. That the created cause acts as an instrument is proved by the fact that it is not up to its effect by itself—actualizing some form from potency to act and thus in effect bringing new actual entity into the world (e.g. heat in water). Only God is able to create a new being, therefore the created cause acts by divine power as an instrument of God and by itself is responsible only for the form, the determination of the entity as such (e.g. that it is heat and not coldness). The fact that this heat actually exists in water is the proper effect of God. A similar thing happens when a pen “writes” a poem. By itself it is causally responsible for the ink marks, not for the poem as such. The poem is a proper effect of the poet using the pen as an instrument.

Aquinas seems to use the phrase “applying the agent to act” and “enabling an agent to be a cause” in two different senses. We have already explained the sense in which God applies the agent as a remote cause (role 3). God can also apply the created agent by cooperating with it and actualizing the form for which the agent is responsible. The created individual would not be an agent at all if there were no divine causal contribution in the effect. Recall that the reduction of the agent’s causal potency to act is the same as the change in the patient under different description. By enabling the change in the patient, God *eo ipso* enables the agent to become an agent and thus applies its causal power to act.

Admittedly, at times Aquinas seems to conflate the two meanings of “application” so that it appears that an agent would not be causally active as an instrument if it were not applied in the sense of role 3 (i.e. changed as a prerequisite for its causal action), but directly by God. This, however, means taking the instrument analogy too far. God is not only a remote Aristotelian cause of all motion as is the case in role 3, but directly reaches and changes the agent as the artisan applies the axe by moving it spatially. This is a third sense of “application,” namely a reduction of some potencies of the agent to act prerequisite for its causal action, directly unmediated by other created agents (thus it differs from “application” in role 3 where God’s action initiates the chain of changes), and different from the reduction of the potency of the patient to act and—which amounts to the same thing—the reduction of the causal power of the agent to action (hence it differs also from “application” discussed under role 4). What is more, in this understanding the principal cause determines the form the patient gains through the change: the artisan determines the form of the statue carved out from wood by the axe. Thus God causes not only the actuality of the form (e.g. heat in the water) but the specific nature of the form as well. The problem with this understanding clearly stands out once the agent is a human person and the effect is her own act of will. Not only does God cause its actuality, but its specific nature as well. Thus God determines what volitions a particular person’s will is to produce. This is precisely the understanding of divine agency and of role 4 by 16th-century Thomists. According to this, God causally reaches the agent by so-called physical promotion or predetermination. The agent consequently affects the patient in a particular predetermined way. Here God also cooperates in the actualization of the form in the patient as explained above. Applied to human will, God is a sufficient cause of its volition. Molina is clear to distinguish the two possible understandings of the

agency of created agents in relation to divine agency.⁴ Only in the sense of role 4 explained above is a created agent, including a human person, an instrumental cause of its effect. God does not causally reach the agent, but only the patient, being a co-cause of the form gained through the change in the patient. When a human person produces through her volitional capacity (the will) particular volitional acts, the change occurs in it, so the agent and the patient are identical in this so-called immanent action. Nevertheless the situation is the same as in the so-called transient action discussed above. God does not causally affect a human person qua agent, but cooperates in the actualization of the volition in the human person qua patient. The nature of the volition is fully determined by the human person alone. God is not a sufficient cause of human volition but a necessary co-cause. We can clearly see that Molina needs some other source of divine foreknowledge of future human volitions than divine will. This purpose is served by the ingenious theory of middle knowledge. Now it is time to delve into the intricate issues related to foreknowledge.

II. THE GROUND OF FOREKNOWLEDGE

It is clear that a necessary condition for any foreknowledge is that there must be something to know. If there is to be any *foreknowledge* of contingent future states of affairs, then there simply must be at least some truths about them in the present. Consequently, the first problem which any proponent of divine foreknowledge of future contingents has to address is the Aristotelian objection to the truth-value of singular future tense statements about contingent future states of affairs, such as, for example, "Peter will return home at 5 p.m." Let us abbreviate such statements to "FC-statements," as clearly, if FC-statements are not true prior to the occurrence of the respective future facts, in this case Peter's returning home at 5.00 p.m., then there can be no foreknowledge of future contingents in the strict sense of the word. Hence, a FC-statement's having truth-value is a necessary condition for divine foreknowledge of the respective contingent state of affairs. Divine foreknowledge of future contingent states of affairs is strictly equivalent to his knowledge that the respective FC-statements are true.

⁴ L. Molina, disp. 26, pp. 108ff.

I call this objection "Aristotelian" as it derives from Aristotle's *On Interpretation*, Chapter 9. The latter passage and the arguments it deals with have a rather long history of interpretation and controversy from antiquity through medieval and post-medieval scholasticism to the present day.⁵ According to the traditional reading of the text, Aristotle denies that FC-statements are true or false, as if they were true or false they would be necessary (noncontingent), and hence the denoted states of affairs would not remain contingent. Of course, the key issue here is to spell out the precise meaning of "necessary" and "contingent" in order to see whether the sense of necessity applicable to the FC-statement destroys contingency of the future state of affairs. Suffice it to say that "necessary" amounts to "causal unpreventability" which could be informally stated as follows:⁶

A statement p , true at the time t_1 , is causally unpreventable if and only if from t_1 on there is no cause capable of bringing about that *not- p* is true at t_1 .

Let p be the FC-statement "Peter will return home at 5.00 p.m.," which is true at this moment (i.e. at 2.00 p.m.) of the same day as Peter's supposed return. Then from this moment on there is no cause capable of making "It is not the case that Peter will return home at 5.00 p.m." true at 2.00 p.m. Neither is there such a cause at 5.00 p.m. If *per impossibile* there ever were such a cause, it would have to prevent Peter's return home at 5.00 p.m. and thus make the present tense counterpart statement "Peter is returning home" false at 5.00 p.m. Thus Peter's return home cannot be a contingent effect capable of not occurring at 5.00 p.m. and Peter cannot be a free cause of his return. What is more, since FC-statements do not begin to be true in time, but, if true, have always been true, or, as the scholastics say, are true from eternity, there never has been, is not, or never will be a cause capable of preventing Peter's return at 5.00 p.m.

⁵ For an overview of the history of the future contingents problem see e.g. William Lane Craig, *The Problem of Divine Foreknowledge and Future Contingents from Aristotle to Suarez* (Leiden: 1997).

⁶ The necessity in the sense of "unpreventability" is a somewhat generalized notion of power-necessity which is subject and time relative (i.e. it is power-necessary for a person S at a time t that ...). For the latter modality appearing in various deterministic contexts (theological and others) see e.g. Carl Ginet, "The Conditional Analysis of Freedom," in *Time and Cause: Essays Presented to Richard Taylor*, ed. Peter van Inwagen (Dordrecht: 1980), 171–86; Michael Slote, "Selective Necessity and the Free-Will Problem," *The Journal of Philosophy* 79 (1982): 5–24; John Martin Fischer, "Power Necessity," *Philosophical Topics* 14 (1986): 77–91; Timothy O'Connor, "On the Transfer of Necessity," *Nous* 27 (1993): 204–18.

The latter consequences shown to follow from the FC-statement's being necessary in the sense just explained are at odds with our conviction that Peter is free in the libertarian sense which presupposes that the future state of affairs is contingent.⁷ It is clear why Aristotle did not wish to accept these consequences. It remains to be seen, however, why the ascription of truth-values to FC-statements implies their necessity according to Aristotle. In other words, one wishes to see why the truth of "Peter will return home at 5.00 p.m." at 2.00 p.m. implies its necessity (i.e. causal unpreventability). Here one approaches the kernel of the future contingent debates in late scholasticism, so the issue should be disentangled step by step.

Recall that causal unpreventability means that no cause is capable of making the FC-statement false from 2.00 p.m. onward. "Making the FC-statement false" means causing something (at some point from 2.00 p.m. onwards) to have a false present tense counterpart at the future time of 5.00 p.m. Crucially, there are two ways of seeing the situation:

1. If the FC-statement is true, then there is no cause *capable of* causing anything (at some point from 2.00 p.m. onwards) such that its present tense counterpart is false at the future time of 5.00 p.m.
2. If the FC-statement is true, then there is no cause *de facto* causing anything (at some moment from 2.00 p.m. onwards) such that its present tense counterpart is false at the future time of 5.00 p.m.

Option 1 says that if a FC-statement is true, then it is necessarily true in the causal unpreventability sense. This is what Aristotle is assumed to mean in the traditional reading. In contrast, option 2 is adopted by a great many

⁷ Molina understands freedom in the libertarian sense of being able to act otherwise in the very same causal circumstances: "quo pacto illud agens liberum dicitur, quod positus omnibus requisitis ad agendum, potest agere et non agere, aut ita agere unum, ut contrarium etiam agere possit." L. Molina, q. 14, a. 13, disp. 2, p. 8.

This definition is common among the scholastics. The main debate concerned the issue whether the causal circumstances do or do not include divine causation. Thomists, who adhered to divine causal predetermination of every created action, would exclude divine causation from the set of causal requisites in the definition of freedom above and thus restrict it to created causes only, while libertarians such as Molina would be prepared to include divine causation in the set, even though they in fact did not believe there to be such a predetermination.

According to Molina, it is the will that is said to be free (i.e. the will is the subject of freedom formally speaking). The operation of the will, however, requires judgment preceding it. Hence freedom is called *liberum arbitrium*, free decision. L. Molina, q. 14, a. 13, disp. 2, p. 8.

scholastics. They admit only the so-called necessity of the consequence, in other words, the logical necessity of the implication “if a FC-statement is true, then its present tense counterpart is true at the particular future time.” As regards the consequent of the latter implication, the present tense counterpart is true only if the denoted state of affairs obtains at the particular future time which in turn implies that *de facto* no cause has caused the opposite state to obtain at that time. It does not imply that no cause *is capable of causing* the opposite; in other words, it does not imply the necessity of the consequent (i.e. that no cause can prevent the future state of affairs from obtaining and thus the present tense counterpart from being true at the future moment).

The difference between the two options or positions can also be clarified by inspecting the ontological ground of truth of FC-statements. On the assumption that statements are true by correspondence with states of affairs, there arises the following difficulty: future contingent states of affairs do not exist, so there is no ground at present on which to base their truth-value. All agree that at present a free cause is equally causally related to both opposing future effects, that is, at 2.00 p.m., Peter can return home at 5.00 p.m. or not. There is nothing in the free cause at present from which one of these opposing effects would ensue. The difficulty stems from the following semantic presupposition:

(P1) Any ontological ground of a statement which is now true exists at present.

One can see immediately that it is too restrictive, for past tense propositions would be ungrounded on this assumption. Hence, one should allow the following:

(P2) Any ontological ground of a statement which is now true exists at present or existed in the past.

If we allow for presently nonexistent ground, why not allow for future ground? Thus

(P3) Any ontological ground of a statement which is now true exists at present or existed in the past or will exist in the future.

Aristotelian unwillingness to pass from (P2) to (P3) has to do with the asymmetry between the past and present on the one hand and the future

on the other. The former was or is causally realized and thus somehow set or determined with the result that it is no longer preventable. Every causal capacity of each cause in relation to past and present states of affairs has already been determined to one of the opposite states. From this it follows that there is no cause from the moment of the causal determination (and thus also now) capable of bringing about the opposite of that which has already happened or which is occurring right now. Let us say that a state of affairs is causally inaccessible if and only if its causes, sufficient for its production, were or are determined.⁸ It is the link between truth-value and this causal determinateness which precludes passing from (P₂) to (P₃) and which underscores the Aristotelian position. Any ascription of truth-value requires determinateness in the sense of causal determination. This is encapsulated in the following semantic truth-conditional principle:

(C) A (logically contingent) statement *p* is true if and only if its corresponding state of affairs is an effect all of whose causes are determined.

We know that a state of affairs all of whose causes are determined is causally inaccessible. The determination of the causes precludes their effect being prevented from obtaining; perhaps by some other cause which would impede the causal activity of some of the causes producing the effect. Thus we see also that a FC-statement, if true, corresponds to a causally determined state of affairs with the result that the state is causally inaccessible. We are already familiar with the fact that the causal inaccessibility of the state, and thus the fact that it cannot be prevented from obtaining,⁹ makes all propositions concerning the state, whether present tense, past tense, or future tense, causally unpreventable or necessary in the sense explained above.

Principle (C) leaves it open whether the effect has already issued from the causes or not. It is also vague in terms of whether all the causes from the causal ancestry of the effect are determined or only some part which is nevertheless sufficient to bring the effect about as a causal result of

⁸ Causal inaccessibility of states of affairs seems to be the ontological foundation of the aforementioned modality of unpreventability. States of affairs cannot be prevented from obtaining and hence the propositions describing their occurrence cannot be made false because they are causally inaccessible.

⁹ We use the phrase "to prevent from obtaining" as synonymous to "bring about the opposite state," even though these could be distinguished in meaning if one wished to do so.

some other, more immediate, effects stemming from the part. What is important, however, is the idea of sufficient causal determination which cannot be impeded and thus the effect be prevented from issuing from the causes. This makes it possible even for Aristotle to accept (P₃) in a restricted form:

(P₄) Any ontological ground of a statement which is now true exists at present or existed in the past or will exist in the future as a result of causes which are sufficiently determined in the present.

Perhaps one could say that it is not the state of affairs in the future which grounds the truth of the statement but rather the present sufficient determination of the causes. Thus (P₄) can be reduced to (P₂).

The key point in relation to FC-statements, however, is that the principle (C) precludes their having truth-value since, as we have already mentioned, free causes of future contingent effects are not sufficiently determined at present (i.e. at the time of the FC-statements) to be true or false. So now we have come full circle: in the traditional reading of Aristotle, if true, FC-statements are necessary in the sense of being unpreventable, because, if true, their corresponding states of affairs must be causally determined and thus inaccessible. In that case the corresponding states of affairs would not be contingent in the relevant sense, because their causes would be already sufficiently determined, which cannot be the case with contingent effects whose causes are not determined.

In contrast, many scholastics sever the link between truth-value and causal determinateness by discriminating different types of determination. Indeed, truth-value requires determination, but not necessarily of the causal type which results in the inaccessibility of the states and necessity of the corresponding propositions (in the sense of being unpreventable). They reject principle (C) and accept its weaker counterpart:

(C*) A (logically contingent) statement *p* is true if and only if its corresponding state of affairs actually obtained, obtains, or will obtain.

This past, present, or future obtaining is a type of determination in reality which does not presuppose there to be sufficient causal determination already in the past or present. It is enough that there was, is, or will be sufficient causal determination at the time the state of affairs obtains. The whole controversy between the two positions—i.e. those accepting (C) and (C*)—boils down to the following issue: can there be a fact of the

matter now that something will obtain without there being a sufficient causal backing at present? For some, this is not intelligible, because there is an explanatory or ontological lacuna and the fact of the future obtaining of something without causal backing is unwarranted, *in vacuo*, as it were. It is clear that what is at stake is the ontology of time and temporally qualified objects.

The scholastic solutions to the problem of divine foreknowledge of future contingents can be divided along the lines of accepting (C) or (C*). It is clear that the main difficulty is the following: (C) has much more intuitive appeal in itself, but once it is accepted it is difficult to explain how FC-statements can have truth-value while the corresponding states remain contingent at the same time. In contrast (C*) solves the latter problem, but the price to be paid for this solution is the acceptance of the philosophically less attractive principle (C*).

Among the (C) theorists is Thomas Aquinas, a representative of the view that the truth-values of FC-statements are derived from their present tense counterparts, which always possess truth-value from a divine timeless perspective. This is because future contingent states of affairs are present in divine knowledge from eternity as already actualized, the causes being already determined.¹⁰ Thus since Peter's return home at 5.00 p.m. is always present for God as already actualized, "Peter is returning home at 5.00 p.m. (let us say on 15 May 2010)" has always been true from a divine timeless perspective. Therefore the FC-statement "Peter will return home at 5.00 p.m." has also always been true prior to 5.00 p.m. on 15 May 2010 even though Peter, a free cause of this state of affairs, has not been determined to return at least at some time prior to 5.00 p.m.

¹⁰ "Respondeo dicendum quod, cum supra ostensum sit quod Deus sciat omnia non solum quae actu sunt, sed etiam quae sunt in potentia sua vel creaturae; horum autem quaedam sunt contingentia nobis futura; sequitur quod Deus contingentia futura cognoscat. Ad cuius evidentiam, considerandum est quod contingens aliquod dupliciter potest considerari. Uno modo, in seipso, secundum quod iam actu est. Et sic non consideratur ut futurum, sed ut praesens, neque ut ad utrumlibet contingens, sed ut determinatum ad unum. Et propter hoc, sic infallibiliter subdi potest certae cognitioni, utpote sensui visus, sicut cum video Socratem sedere. Alio modo potest considerari contingens, ut est in sua causa. Et sic consideratur ut futurum, et ut contingens nondum determinatum ad unum, quia causa contingens se habet ad opposita. Et sic contingens non subditur per certitudinem alicui cognitioni. Unde quicumque cognoscit effectum contingentem in causa sua tantum, non habet de eo nisi coniecturalem cognitionem. Deus autem cognoscit omnia contingentia, non solum prout sunt in suis causis, sed etiam prout unumquodque eorum est actu in seipso." T. Aquinas, *Summa theologiae*, I, q. 14, a. 13c.

The view that once a future contingent state is actualized and is thus no longer future but present, God bringing it about that he has always known this future state will obtain, is also a (C) theory, and so is the view that God knows future contingents in his predetermining will, for even here there is a sufficient determination of the cause which renders the respective FC-statement true. Both of these positions are vigorously criticized by Molina: the former as implying power over the past which is inconsistent, the latter as inconsistent with human freedom.¹¹

Among the (C*) theorists are most Jesuits, more or less contemporaries of Molina, as will be shown later. The key question now is where does Molina fit in? Is he a (C) or (C*) theorist? In contrast to his fellow Jesuits, we take him to be a (C) theorist. In the rest of this study, I will defend this thesis and explain his stance within the context of Jesuit scholasticism.¹²

According to those accepting (C), the corresponding correlate of FC-statements, the future state of affairs, must be sufficiently causally determined at present (or, more generally, at the time the FC-statement is said to be true). Yet this is at odds with the causal contingency of the state as it becomes causally inaccessible. In consequence, there cannot be libertarian freedom, which requires causal accessibility of the state. The challenge is therefore to reconcile sufficient causal determination with causal contingency of the future state, a task which might seem *prima facie* impossible. Let us explain Molina's strategy in dealing with the problem. The created free cause (e.g. Peter, in our example) is known by God in various ways, some of which are conceptually prior to others. Conceptually, first comes the knowledge of all Peter's causal possibilities. They are the object of the divine knowledge called natural by Molina,¹³ because the object of knowledge has to do with natures of things and is necessary. It is logically necessary that Peter, a human being, has certain causal possibilities (e.g. to move himself in space) and not others. This type of knowledge conceptually precedes divine decision to create particular objects (e.g. Peter;

¹¹ Against the former view Molina argues in q. 14, a. 13, disp. 51, against the latter in q. 14, a. 13, disp. 53, part 2. For the English translation of (part of) L. de Molina, *Concordia see On Divine Foreknowledge: Part IV of the Concordia*, trans. Alfred J. Freddoso (Ithaca: 1988).

¹² At this point it is interesting to note that Leibniz, a (C) theorist, takes Molinism to be a (C*) theory which errs against the principle of sufficient reason. He does not seem to differentiate Molina's views, whom we take to be a (C) theorist of sorts, from the common core teaching of other Jesuits such as Fonseca, which is clearly a (C*) theory. See G.W. Leibniz, *Theodicy: Essays on the Goodness of God, the Freedom of Man and the Origin of Evil* (New York: 2009; first published 1710), part 1, par. 39 and 44–5, pp. 145 and 147–48.

¹³ Called *scientia simplicis intelligentiae*, the knowledge of simple understanding, in Aquinas and many scholastic authors.

it concerns only possible objects and their properties). Whatever is possible in relation to natures of things is necessarily possible. In contrast, any logical contingency in objects is dependent on free causation, so the knowledge of anything contingent must be posterior to free causal activity of the will, the prime free cause, whether divine, angelic, or human.¹⁴ Any logically contingent state of affairs is intelligible only as a product of some free cause or causes. Note in passing that principle (C) presupposes this causal dependence, but states far more, namely, that these causes have to be already determined for there *to be* a logically contingent state of affairs in any sense.

Now if every logically contingent state of affairs of any temporal qualification were from eternity sufficiently causally determined by the decision of divine will, then the principle (C) could easily express the truth conditions of all logically contingent statements. All future contingent events would be the objects of the “postvolitional” divine knowledge called free by Molina.¹⁵ This is because God knows by it all logically contingent objects (i.e. objects which existed, exist, or will exist at some time instant or interval, but did not have to exist). This, however, makes all future contingent objects contingent solely from a logical point of view but not contingent in the sense of causal accessibility. It is this latter contingency presupposed by libertarian freedom which is at issue. Hence room has to be made for causal accessibility in relation to at least some of these future states (i.e. those which are the outcome of created free causes, such as Peter’s return home at 5.00 p.m.). Thus, although necessary, the determination of the divine will cannot be sufficient to produce any of these states. There also has to be determination on the part of the created free cause purely in its causal domain. In order for the future state to remain causally accessible and thus contingent in the relevant sense, the determination on the part of the created free cause has to take place only at the point in time of the state’s actualization. FC-statements, however, must be true long before this causal determination actually takes place and, even more, they must be true from eternity if God is to know them.

¹⁴ By “logically contingent state of affairs” we mean a state which was, is, or will be actual at some time, but it did not have to exist from a logical point of view: there is a nonactual world *w* such that it is different from the actual world at least in the following feature—at the time the relevant state of affairs exists in the actual world, it is not true that the same state exists in *w*.

¹⁵ Called *scientia visionis*, the knowledge of vision, in Aquinas and many scholastic authors.

Therefore there are two options open to us. Either we ground truth-values of FC-statements partly in the determination of the divine will from eternity and partly in the future determination of the created free will and thus in effect adopt (C*), or else we stick to (C) as Molina does, but then *future* determination of the created free cause would not do. What is required is determination of the free cause long before the cause actually exists, from eternity, if the FC-statements are to possess truth-values. Molina finds the following way out: the created free cause is represented in God from eternity as the object of divine knowledge, as the divine idea. Not only does God know its various causal possibilities through his natural knowledge, the various ways his own nature can be imitated in this particular creature, but he also knows to what the created free cause would determine itself if it were placed in particular circumstances.¹⁶ For instance, God knows Peter from eternity: not only does he know Peter's causal possibilities qua human being, but he also knows what Peter would decide to do in any particular circumstances, so also the circumstances which actually obtain on 15 May 2010 at 5.00 p.m. He knows that in those particular circumstances Peter would decide to return home. Thus God knows any causal determination of any created free cause in any particular circumstances. This is to say that God knows which conditionals of freedom, as we say, of the following form are true:

If circumstances C were to obtain, a created free cause *x* would causally determine itself to the state of affairs S.

If circumstances (such as those actually obtaining on 15 May 2010 at 5.00 p.m.) were to obtain, Peter would causally determine himself to return home.

These conditionals of freedom are logically contingent so they cannot be the objects of God's natural knowledge. They cannot be the objects of divine free knowledge either as the latter is the knowledge of that which

¹⁶ "Tertiam denique mediam scientiam, qua ex altissima et inscrutabili comprehensione cujusque liberi arbitrii in sua essentia intuitus est, quid pro sua innata libertate, si in hoc vel illo, vel etiam infinitis rerum ordinibus collocaretur, acturum esset, cum tamen posset, si vellet, facere re ipsa oppositum..." L. de Molina, q. 14, a. 13, disp. 52, p. 227. For modern discussions on middle knowledge in the analytic philosophy of religion see e.g. William Hasker, David Basinger, and Eef Dekker (eds.), *Middle Knowledge: Theory and Applications* (Frankfurt am Main: 2000); Ken Perszyk (ed.), *Molinism: The Contemporary Debate* (Oxford: 2011).

falls under the causal determination of the divine will. Hence the knowledge of these conditionals is as it were in the middle: on the one hand it resembles natural knowledge in conceptually preceding the determination of the divine will; on the other hand it is a kind of free knowledge as its objects are logically contingent.¹⁷ Yet their logical contingency is wholly dependent on the created free cause.

Thus the representation of the created free cause in the divine mind contains this conditional determination. Why does it not contain determination to future contingent facts, (i.e. states of affairs which will become actual in the future)? The reason is no doubt that the future contingent facts are the effects of both the created free cause and divine will. Only the determination of both of these causes is sufficient to produce the effect. By creating (actualizing) only some of the created free causes and by bringing about (actualizing) only some sets of circumstances and not others, God in effect retains full control of every contingent fact occurring, even those states of affairs which (partly) result from the determination of the created free cause. This is necessary to account for the theological notions such as Providence and Predestination.

Hence we have to draw a distinction between future contingent states of affairs which will be actualized in future and those which will be actualized provided that certain conditions are met. It is customary to call the former absolute future contingents and the latter conditional future contingents both in scholastic debates and in current literature on the subject. Therefore, from now on we ought to speak about FC-statements as absolute FC-statements, or AFC-statements in short, and to dub the conditionals of freedom conditional FC-statements abbreviated to CFC-statements.

Now we are in a position to see how the principle (C) is retained. The sufficient causal determination of any future contingent state of affairs exists from eternity (and hence the corresponding AFC-statement is true from eternity). First, there is the determination of the created free cause if a certain condition is to be true, namely, if a certain set of circumstances is to be actualized. Second, divine will is determined to the actualization

¹⁷ Molina calls this knowledge "middle," *scientia media*, as it is between natural knowledge and free knowledge in God. See L. de Molina, q. 14, a. 13, dip. 52, p. 227. In other authors it is often called *scientia conditionata*, conditional science, e.g. in Suárez: F. Suárez, *Varia opuscula theologica: De scientia Dei futurorum contingentium, opera omnia*, vol. 11, ed. Vivès (Parisiis: 1858; first edition: 1599), lib. 2 De scientia quam Deus habet de futuris contingentibus, sub conditione propositis, prius ratione quam de ipsa conditione aliquid absolute decernat, 343ff.

of the particular set of circumstances. The conditional determination of the created free cause does not exist *actually* from eternity as the cause itself does not exist. The cause actually exists as a divine idea, however, and so does its conditional determination. Now the key problem appears to be that this conditional determination is logically contingent. How can there be anything contingent without there actually being a cause of this contingency? The answer seems to be that the created free cause is so eminently represented in God (i.e. the idea is so eminent that it contains even these conditional causal determinations as if it were actually determining itself in various circumstances).¹⁸

Does Molina's solution salvage causal accessibility in relation to the future contingent state of affairs? Indeed it does, for the created free cause as such is never actually causally determined prior to the time of the occurrence of the effect. For instance, Peter is actually causally determined at around 5.00 p.m. when he returns home. What is characterized by conditional determination is God's idea of Peter, or, rather, Peter having this ideal status, not Peter himself. Yet the idea is sufficiently one with Peter (i.e. it is a sufficiently accurate representation of Peter), to guarantee the truth of the CFC-statement and, after the determination of the divine will to create Peter and the particular circumstances, to warrant the truth of the AFC-statement.¹⁹

It seems that the weakest point in the solution is the non-correspondence between Peter himself and the divine representation of Peter in terms of their causal determination, albeit conditional. It is as if the mirror image did not correspond to that which is mirrored by showing more than there actually is in the object mirrored. Peter himself is not determined in any way either because he does not exist or he exists but he has not determined himself in relation to particular circumstances yet or never will determine himself, as the circumstances will never become actual. In contrast, in the divine mental representation Peter is already causally determined (or stays undetermined for that matter) in relation to any possible circumstances in which he might find himself. Thus what is in itself

¹⁸ By "eminent" the scholastics mean "high degree in ontological status." What is presupposed here are degrees or grades in ontological status.

¹⁹ The CFC-statement is "If circumstances (such as those actually obtaining on 15 May 2010 at 5.00 p.m.) were to obtain, Peter would return home." In contrast, the AFC-statement is "Peter will return home at 5.00 p.m."

uncertain is represented as certain in the divine mind, not on account of the object, but on account of the eminence of representation.²⁰

Molina explains the latter disproportion by an appeal to the infinite excess of greatness on God's part over the created free will (e.g. Peter) in ontological status and thus also in intellectual capacity. Thus the being with the utmost intellectual capacity can represent and thus know another ontologically lesser being—for knowing is a kind of identification with the object known—in a more ontologically superior way than the object known exists in itself.²¹ Furthermore, there follows an interesting corollary of this explanation; namely, that God cannot know himself in such a way, for there is no excess of God over himself. God cannot represent himself through his intellect in some ontologically superior way. As this type of superior knowledge of a lesser being was later called “supercomprehension,” according to Molina God cannot supercomprehend himself.²²

²⁰ “Sciendum est deinde, quod etiam ex dictis satis aperte colligitur, peculiare quid esse scientiae divinae eorum contingentium quae ab arbitrio creato pendent, Deum ex acumine quidem ac summa perfectione sui intellectus praecognovisse quid esset futurum, quia ita per arbitrium ipsum pro sua innata libertate esset futurum, et si, ut potest, futurum esset oppositum, idipsum praescivisset: quare, quod in se erat incertum, scivit certo, non certitudine quae proveniret ex objecto, sed ex acumine, et summa perfectione sui intellectus; dependenter tamen ex eo quod ita per arbitrium ipsum futurum esset.” L. de Molina, q. 14, a. 13, disp. 52, p. 236.

²¹ This superior knowledge seems to exceed what is there to know about a certain being at present, extending to whatever there is to know about it (not only logically necessary, but also contingent) at any time whatsoever.

²² “Neque enim ad intuendum in re libera in quam partem se inflectet satis est illius comprehensio, neque quaecunque major comprehensio quam sit res comprehensa, sed necessaria est altissima atque eminentissima comprehensio, qualis in solo Deo comparatione creaturarum reperitur. Unde neque Deum concedimus per scientiam naturalem seu mediam (quam de hac re in eo negamus) intueri ante determinationem suae voluntatis quam partem ipse sit electurus, eo quod intellectus in Deo ea altitudine et praestantia non superet essentiam ac voluntatem divinam, qua essentias ac voluntates creatas longe superat. Quare sicut homo et Angelus ante liberam determinationem suarum voluntatum non cognoscunt in quam partem se inflectere debeant, eo quod intellectus in eis essentiam ac voluntatem infinito illo excessu non superent: ita neque Deus, antequam voluntatem suam determinet, in quam partem ea sit inflectenda cognoscit.” L. de Molina, q. 14, a. 13, disp. 52, p. 228.

“Objiciet fortasse aliquis: Ad cognoscendum satis est proportio inter potentiam et objectum, ita videlicet ut in potentia sit tanta vis ad cognoscendum, quanta est entitas seu cognoscibilitas objecti: ergo quicumque comprehendit voluntatem aliquam, in ea penetrabit in quam partem pro sua libertate se sit determinatura, ac proinde Deus praecognoscet in quam partem sua voluntas se sit libere determinatura... Ad hoc argumentum dicendum est, antecedens esse verum de iis quae in objecto cognoscibilia sunt suapte natura, sive entitatis ipsorum: secus autem de iis quae supra suam naturam ex sola cognoscentis eminentia illimitataque perfectione cognoscuntur, qualia sunt determinatio liberi arbitrii antequam fit, et universim futura omnia contingentia antequam existant: ad haec namque cognoscenda non satis est adequatio potentiae cognoscentis cum radice contingentiae

Therefore our thesis is that this doctrine of supercomprehension is meant to accommodate the semantic principle (C). If it is found wanting, as indeed it was by Molina's fellow Jesuits, this way of retaining (C) is not open. Then one is left to accept (C*) instead,²³ or when (C*) is regarded as acceptable in the first place, then there is no urge to keep supercomprehension. One of these scenarios must have been behind the common core of Jesuit doctrine which emerged shortly after Molina's theory had come out.²⁴ What is clear is that this common core is characterized by both rejecting supercomprehension and accepting (C*). We believe that Molina's motivation to retain a rather awkward doctrine, especially the counterintuitive element that knowledge in God does not have to be proportionate to its object (i.e. that there is presently less in the object itself than what is known about it), stemmed from Molina's Aristotelian adherence to (C). In this respect, Molina appears to be far more Aristotelian than the "Portuguese Aristotle" Pedro da Fonseca (1528–99).

Fonseca appears to have invented the solution to the problem of foreknowledge based on the distinction between AFCs and CFCs. In his *Commentary on the Books of Aristotle's Metaphysics*, writing in 1596, he claims to have come upon the distinction some 30 years previously, which would

ipsorum, seu comprehensio talis radices; sed necessaria est altissima et eminentissima comprehensio hujusce radices, qualis est in solo Deo comparatione liberi arbitrii suarum omnium creaturarum." L. de Molina, q. 14, a. 13, disp. 52, p. 231.

²³ In fact the semantic truth-conditional principle (C*) has to be amended at this point to provide also for CFCs. This will be done explicitly in the text later.

²⁴ The common teaching on divine foreknowledge of future contingents both absolute and conditional is found in e.g. Molina's contemporaries, influential Jesuit authors such as Pedro da Fonseca (1528–99), Francisco Suárez (1548–1617), Gregorio de Valencia (1549–1603), Gabriel Vázquez (1549–1604), and Pedro de Arrubal (1559–1608), active at the final phase of the *Congregatio de auxiliis*, as well as in later famous Jesuit authors, some 40 years after the heyday of the controversy on grace around 1600, such as Rodrigo de Arriaga (1592–1667) and Francisco de Oviedo (1602–51).

This is not to say that there were no dissenters from the common teaching among Jesuits. Consider for instance Thomas Pius a Ponte Lerinensi, who defends Thomas's view that God knows future contingents in their eternal presentiality. Thus Pius is an undisputed advocate of the principle (C). Thus he negates the usefulness of divine knowledge of CFCs. Only those CFC-statements can be certainly true which are based on the truth of AFC-statements. T. Pius maintains: "Dicimus ergo eodem modo futura ex hypothesi non certo cognosci, nisi cognoscatur ex hypothesi praesentia, sicut futura absolute non certo, et perfecte cognoscuntur, nisi tali tempore, et loco absolute praesentia cognoscantur, quia veritas futuri, ac praeteriti, cognosci perfecte non potest, nisi per respectum ad aliquod determinatum praesens." Thomas Pius, *Pia commentaria in primam partem divi Thomae* (Matriti: 1619), q. 14, a. 13, dubitatio 4, p. 211.

be sometime around the year 1566, when lecturing publicly on the problem and thus shedding light on the difficult issue.²⁵

Fonseca rejects Molina's thesis that the certainty of divine knowledge does not depend on the certainty of the object known.²⁶ The reason for divine knowledge of CFCs is not the excess in greatness of God's intellectual capacity over the created will, but the infinity of his knowledge as such, especially in its scope.²⁷ This infinite knowledge encompasses everything knowable; in other words, it grasps any truth there is. CFCs and

²⁵ P. da Fonseca, *Commentariorum in Libros metaphysicorum Aristotelis Stagiritae* (Coloniae: 1615; first edition: 1604), lib. 6, c. 2, q. 4, sect. 8, p. 119.

²⁶ "Quod si quis velit, de obiecto incerto, et inevidenti posse haberi a Deo certam, et evidentem cognitionem, idque ea ratione, quia certitudo, et evidentia divinae cognitionis non pendet ex certitudine, et evidentia obiecti secundarii, qualia sunt omnia obiecta extra Deum: ergo non esse necesse, ut cognitio divina certa, et evidens sit de obiecto certo, et evidenti: dicendum est, id quidem, nostrae sententiae magis favere, cum hoc modo semper cognitio divina ponatur certa, et evidens, etiamsi obiectum sit incertum, et inevidens; sed tamen id nec verum esse, nec recte probari. Nam, etsi certitudo, et evidentia divinae cognitionis non pendent ex obiectis secundariis, tamen utramque exigunt in obiecto: nullo enim modo fieri potest, ut certa, et evidens sit cognitio, nisi etiam obiectum eo modo, quo illi obicitur, sit certum, et evidens vel simpliciter, vel ex suppositione, ut initio diximus." P. da Fonseca, lib. 6, c. 2, q. 4, sect. 9, p. 124.

²⁷ "Demum nec tertia ratio quicquam efficit. Nam quod Deus certo sciat, in quam partem quaeque voluntatis in singulis occasionibus inclinatura sit, non ad infinitum excessum scientiae supra voluntatem, sed ad eius infinitatem in se ipsa referendum est: etiamsi voluntas infinita, ut est scibile infinitum, non excedatur a scientia infinita: satis enim est infinita perfectio scientiae divinae, ut omnes modos sciendi, omniaque, quocunque modo scibilia comprehendat: qualia sunt omnia vera, quocunque tandem modo sint vera." P. da Fonseca, lib. 6, c. 2, q. 4, sect. 9, p. 129.

One finds the same mode of divine cognition of future contingents in Suárez:

"Dicendum ergo est Deum cognoscere haec futura conditionata sua infinita virtute intelligendi, penetrando immediate veritatem quae in ipsis est, seu concipi potest, neque indigere aliquo alio medio ut illa cognoscat. Qui modus dicendi est consentaneus his auctoribus, qui dicunt Deum cognoscere futura contingentia immediate intuendo veritatem eorum, quos supra, cap. 3. citavimus, et in idem fere cedit quod alii dicunt, cognoscere Deum futura ex vi infinitae representationis suarum idearum... Vere etiam dici potest scientiam Dei, ex vi suae aeternitatis ad haec omnia cognoscenda extendi, quia illud immutabile iudicium Dei tale est, ut non solum attingat quidquid futurum est in aliqua differentia temporis realiter futura, sed etiam quidquid futurum esset in quacunque differentia temporis possibili, si Deus voluisset creare illud." F. Suárez, *Varia opuscula theologica: De scientia Dei futurorum contingentium, opera omnia*, vol. 11, opusculum II, lib. 2, c. 7, pp. 369–70.

Vázquez explains in a very similar fashion how it is possible for God to know future contingents: "Quia divinus intellectus infinitae virtutis est, quicquid intelligibile est, necessario debet amplecti, et intelligere, nam si aliquid ab ipso infinito intellectu non posset intelligi, a quo alio posset? atqui futura quantumvis libera, et contingentia, intelligibilia sunt, eo quod sunt determinatae veritatis: verum autem, et intelligibile convertuntur: ergo

AFCs are knowable objects *sui generis* (i.e. FC-statements of both types have determinate truth-values).²⁸ It is clear that the semantic truth-conditional principle presupposed here is (C*) for absolute future contingents:

(C*) A (logically contingent) statement *p* is true if and only if its corresponding state of affairs actually obtained, obtains, or will obtain.

It also has to be amended to provide for CFCs as well:

ab intellectu divino possunt intelligi: et cum non debeant intelligi nisi eo modo, quo sunt, scilicet futura, aut non futura..." G. Vázquez, *Commentariorum ac disputationum in primam partem s. Thomae*, vol. 1 (Ingolstadii: 1609; first edition: 1598), q. 14, a. 13, c. 4, p. 394.

G. de Valencia's opinion is the following: "Quare asserimus, certam et infallibilem scientiam futurorum contingentium in Deo satis superque defendi posse duobus fundamentis constitutis quorum utrumque est firmum. Alterum est, omnem illam perfectionem cognitionis quae in Deo est quum res ipsa contingens est praesens (atque adeo totam ipsam cognitionem rei contingentis) fuisse prorsus in eodem iam inde ab aeterno quum res contingens fuit futura. Alterum est; quod res contingens coexistat, vel aliquando coextiterit cognoscenti eam certo et infallibiliter, id quidem nequaquam esse rationem qua per se res contingens obiectum est certae et infallibilis cognitionis: sed tantum esse conditionem quandam sine qua nec homines nec Angeli... possunt rem contingentem certo cognoscere." G. de Valencia, *De scientia Dei et de praedestinatione theses bipartitae* (Ingolstadii: 1584), in *Die scholastische Theologie im Zeitalter der Gnadenstreitigkeiten I: Neue Texte von Diego Paez (+1582), Diego del Mármol (+1664) und Gregor von Valencia (+1603)*, ed. Ulrich L. Lehner (Nordhausen: 2007), 201.

P. de Arrubal presents the following argument: "Ratio autem sumenda est ex veritate, quam futura contingentia etiam in ratione entis futuri habeant, formari autem potest in hunc modum. Quidquid habet rationem entis intelligibilis, certo a Deo cognoscitur; omnis enim ratio entis intelligibilis est talis per habitudinem ad intellectum aliquem, a quo possit intelligi, ac proinde maxime per habitudinem ad intellectum divinum, in quo est perfectissima, et infinita virtus intelligendi omnia, quae sunt intelligibilia: futura contingentia, etiam antequam fiant, habeant rationem entis intelligibilis: ergo antequam existant, a Deo cognoscuntur." P. de Arrubal, *Commentariorum ac disputationum in primam partem divi Thomae*, vol. 1 (Matriti: 1619), q. 14, a. 13, disp. 40, c. 1, pp. 256–57.

Finally F. de Oviedo writes: "Deum per se ipsum ex perfectissimo, et infinito praedicato intellectivi esse determinatum ad cognoscendum quidquid est cognoscibile, et ad formandum iudicium de omni obiecto... Affirmo determinativum scientiae conditionatae, et rationem cognoscendi effectus contingentes, conditionate futuros a causis secundis liberis esse veritatem obiectivam illorum, seu determinatam entitatem, quam conditionaliter habent praedicti effectus in se ipsis considerati. Haec conclusio communiter est recepta inter nostros Autores, illam tradunt Suarez... Vasquez... Arrubal... Lessius... Fasolus... eandem tradit Arriaga..." F. Oviedo, *Philosophiae tomus II complexens Libros de anima et Metaphysicam*, 3rd ed. (Lugduni: 1663; first edition: 1640), De Anima Controversia VII, punctum 6, par. 4, pp. 113–14.

²⁸ "Determinate truth-value" contrasts with "indeterminate truth-value." The latter was taken to be advocated by Aristotle in relation to FC-statements: the disjunction of opposite FC-statements was considered true without being able to specify which of the disjuncts is true.

(C**) A (logically contingent) statement *p* is true if and only if its corresponding state of affairs actually obtained, obtains, will obtain, or would obtain on some condition.

Together with the principle (C**), the latter reason for divine knowledge (i.e. its infinite scope) constitutes what we call a common core of the Jesuit teaching on divine foreknowledge of future contingents. CFCs and AFCs (i.e. states of affairs which will obtain and which would obtain on a certain condition) have future or conditional-future being. This means that there is from eternity in some sense of the word "is" a future determination or conditional determination of the created free cause even though presently (actually), if it exists, it is indeterminate and cannot be the ground of truth for future contingents of any kind. Hence it is not suitable to be the ground for any certain knowledge.²⁹ We already know that Molina would disagree here: the created free cause can or cannot provide the ground for certain knowledge depending on the knower and

²⁹ The following textual excerpts explain that future contingents are not known by God in the cause, which is indeterminate, but the future state of affairs absolute or conditional is known as that which will or would exist in the future on some condition:

"Nam cognitio divina non sistit in causa eventus contingentis, dum adhuc temporis, aut naturae ordine indifferens est ad opposita, nec magis eo pacto sumpta ad unum, quam ad alterum determinate propendet: unde sic accepta causa saepe probabilem quidem cuiusquam effectus cognitionem parit. Quod autem addita una, aut pluribus circumstantiis coniecturam aliquam in nobis alicuius effectus facere potest, non habet locum in intellectu divino, qui cum omnem veritatem futuram certa, et evidenti cognitione perspiciat, non eam ex circumstantiis (etiam omnibus simul) more nostro colligit, sed in aeterna representatione ipsius futuri successus, aut qui futurus esset, aut fuisset, infinita divinae scientiae altitudine, et perfectione cognoscit. Itaque scit Deus certo, et evidenter, quatenam in se probabilia, et opinabilia sint . . ." P. da Fonseca, lib. 6, c. 2, q. 4, sect. 10, p. 130.

Suárez writes:

"Unde obiter constat . . . fere non esse maiorem difficultatem in hac scientia conditionalium, quam absolutorum contingentium, quia in utrisque cognoscitur veritas rei, licet in causis suis videatur esse indeterminata, et a parte rei nondum existat; cognoscitur autem per conformitatem et comparisonem ad rem, prout in tali tempore et modo existet, vel absolute, vel sub conditione; ergo scientia divina ad omnes has veritates extenditur ex vi suae infinitae comprehensionis. Nec refert quod res absolute futura aliquando habitura sit realem existentiam, non vero res sub conditione tantum proposita; quia illa realis existentia vere non est, antequam in propria duratione et mensura res producat, sed solum per ordinem ad illam propositio de futuro habet veritatem, et divinus intuitus aeternus ratione suae immensitatis ad illam terminatur, ac si jam vere existeret. Sic ergo in praesenti, licet res actu non existat, nec absolute exitura sit, propositio conditionata habet veritatem per habitudinem et conformitatem ad illam sub existentia apprehensam cum praedicta conditione; et divinus intuitus, ratione suae infinitatis, extendi poterit ad videndum quid tali rei conjungeretur, aut quid ab illa prodiret, si tali modo constitueretur. Est ergo in his futuris omnibus idem cognitionis modus." F. Suárez, opusculum II, lib. 2, c. 7, p. 370.

his/her representative intellectual capacity. One may note that unlike the principle (C), which Molina tried to preserve in his doctrine of supercomprehension, neither (C*) nor the extended version (C**) require sufficient causal determination of the cause at present.

This common core teaching then commits one to afford some ontological status to future entities, supposing the correspondence theory of truth. The status of absolute future entities can be modeled on past states of affairs, but there is some question concerning the conditional states. This doubt might be strengthened by the observation that one of the consequences of the common core teaching we are about to discuss is that CFCs play a somewhat lesser role in divine knowledge than in Molina. The usual argument offered to affirm the ontological status of CFCs is the validity of the law of conditional excluded middle.³⁰

There are interesting consequences of the common core teaching on divine foreknowledge of future contingents. Let us explore these implications in order to contrast the teaching with Molina's views, thus attaining deeper insight into them. We have already mentioned that CFCs are ascribed somewhat different tasks in divine foreknowledge in Molina: God knows the truth of AFC-statements through his free postvolitional knowledge based on his previous knowledge of CFC-statements (via prevolitional middle knowledge) and the knowledge of his decision about which sets of circumstances to actualize. In contrast, the common core teaching implies that God knows the truth of AFC-statements directly, as absolute future states of affairs are entities of sorts and thus are knowable. Why then should God also know the CFC-statements? Such knowledge is not required for the foreknowledge of future contingents, but is required for his causal role in the world, for his providential purposes. Now if God knows the truth of the AFC-statements directly, then his knowledge is postvolitional in one sense but not in another. It is postvolitional in the sense that what absolute future contingents there are depends on his will (similarly to Molina)—i.e. causally it is prevolitional in the sense that this knowledge precedes as if in temporal fashion or quasi-temporally (for there is no real time in God) the determination of his will. In this sense the knowledge is as prevolitional as the knowledge of CFC-statements of creatures. Thus the neat division of kinds of divine knowledge into prevolitional (both natural and middle knowledge) and postvolitional (free

³⁰ E.g. P. da Fonseca, lib. 6, c. 2, q. 4, sect. 9, p. 123; F. de Oviedo, *De Anima controversia* VII, punctum 6, par. 3, p. 113.

knowledge), and the mutual conceptual ordering one finds in Molina, breaks down. Whereas Molina's conceptual ordering includes both causal and quasi-temporal dependence at the same time when the ordered terms are knowledge and causal determination, in the common core doctrine these two orders split into two separate orders, relating the stages of divine knowledge and volitional determination differently. This could be viewed as a direct consequence of adopting (C^{**}): once truth is divorced from present causal determination, then the temporal order and the causal or quasi-causal order (in case one is reluctant to understand the dependence of knowledge on causal determination in causal terms) might be reversed, as is the case with future states of affairs. Let us note in passing that perhaps the possibility of this reversed ordering is the real reason why many do not accept (C^{*}) or (C^{**}).

Another implication of the common core teaching on the divine knowledge of future contingents both absolute and conditional, a special case of the thesis that God knows absolute and conditional future contingents in one sense prior to the determination of his will, has to do with God's knowledge of his own decisions and conditional decisions. Even though there is no time in God and so the determinations of the divine will cannot be understood properly as future, nevertheless, one can understand them as posterior to divine knowledge of them in a quasi-temporal sense. As in the case of future contingents proper, these too have some future ontological status, albeit in a nontemporal sense. Therefore they are knowable prior to their actual obtaining owing to the infinite scope of divine knowledge extending to everything knowable.³¹ Thus God knows his own actual decisions and those that he would make if there were certain conditions satisfied in advance of any actual decision of his will.³²

³¹ So the *future* contingent status is either temporal or quasi-temporal in relation to actual obtaining of the state either in time (in future contingents proper) or in God in a quasi-temporal sense (in divine volitions). Future contingents are also prior to God's knowledge of them in the sense that the knowledge presupposes their future status. On the other hand they are posterior in the order of dependence on the actual determination of the will from which they proceed, although this determination is posterior in temporal or quasi-temporal sense to their future status and hence their being known by God.

³² "Itaque ratio, cur Deus non minus suam, quam creatam voluntatem ita penetret, ut certo sciat, quid utraque in qualibet occasione amplectetur, aut reiiciet, eadem est utrobique: nempe, quia intellectus divinus, cum infinitae scientiae sit, certo et evidenter cognoscit omne verum; non dubium est autem, quin omnis voluntas, seu creata, seu increata, in singulis occasionibus se ad alterum oppositorum determinet, quod utique ante omnem actum liberum divinae voluntatis intellectui divino repraesentatur." P. da Fonseca, lib. 6, c. 2, q. 4, sect. 10, p. 127.

This is only to be expected as a logical consequence of splitting the two orders discussed above.

It is no wonder that Molina does not allow antecedent divine knowledge of his decisions and conditional decisions, because the quasi-temporal order is tied to the order of ontological dependence. It is sufficiently clear in the case of actual divine decisions, but less perspicuous in the case of conditional decisions, to make Molina himself address the issue whether God by his middle knowledge knows CFCs. Not surprisingly, Molina's answer is negative and once again the implicit reason is that the two orders cannot be split, or, more precisely, the quasi-temporal ordering implies ontological dependence, so God's decisions would be ontologically dependent on his knowledge and God would be required to act as he antecedently knows himself that he will act. Thus the freedom of his decision-making would be destroyed.³³ Besides, on Molina's

Suárez argues that there is no significant difference between the foreknowledge of divine volitions and created volitions:

"Dicendum nihilominus est hanc scientiam, quantum ad id, quod est perfectionis in illa, extendi ad libera decreta Dei, ita ut Deus ea intueatur non solum ad modum rerum praesentium, sed etiam ad modum futurarum, seu eadem vi et ratione qua caetera futura cognoscit; et hoc sensu dici posse cognoscere illa ut futura vel absolute, vel sub conditione. Fundamentum hujus assertionis idem omnino esse debet quod de reliquis actibus liberis; addendo solum nullam sufficientem rationem differentiae reddi posse inter divinam et creatam voluntatem, ut in altera haec futura possint cognosci, et non in alia." F. Suárez, *opusculum* II, lib. 2, c. 8, p. 372.

Suárez also puts forth an argument that divine volitions, apart from being known as present, nevertheless can be known as future:

"Quod autem nihilominus hujusmodi decretum possit prius ratione cognosci ut futurum, quam ut actu praesens, seu (quod idem est) quod possit cognosci eadem vi et ratione, qua cognoscuntur alia futura conditionata, probatur primo in hunc modum, quia, quamvis illud decretum in se sit aeternum et actu praesens, tamen cognosci potest quasi independenter ab illa actuali praesentia, quod per hanc hypothesim optime explicatur: Si per impossibile illud decretum non esset aeternum, et aliquando illud habiturus esset Deus, nihilominus, semper cognovisset suam voluntatem fore illud decretum habituram; ergo etiamsi nunc sit aeternum, intelligitur cognoscibile de divina voluntate ad modum futuri, et independenter ab actuali praesentia; et hoc solum est prius ratione cognosci ut futurum quam ut praesens, quia, ut in argumentis in contrarium tangebatur, haec prioritas non est in re, sed, ad explicandam vim et modum cognitionis, consideratur ex ordine vel independentia objectorum." F. Suárez, *opusculum* II, lib. 2, c. 8, p. 373.

³³ "...at vero quod unum et idem suppositum, non libere, sed quasi naturaliter, prius sciat quid ipsummet volet, quam in actu velit, non video qua ratione salva libertate ejusdem suppositi possit consistere: quandoquidem in illo priori, in quo id non libere, sed quasi naturaliter scivit, in potestate ipsius non fuit scire contrarium: quippe cum non libere, sed quasi naturaliter eam contradictionis partem sciverit; praeexistente vero ejusmodi scientia, contradictionem implicet velle aut scivisse contrarium; quoniam aut Deus falleretur, aut, postquam aliquid scivit, id non scivisset, quod contradictionem involvit." L. de Molina, q. 14, a. 13, disp. 52, p. 229.

presuppositions, there is also no way God could know his conditional decisions prior to the actual decisions of his will, as he himself points out. This is because God cannot represent himself as a free cause in a more eminent way than he is in himself in order to breach the gap between what is in itself an indeterminate cause and its conditional determination. Such an eminent intellectual representation and grasp necessarily require an ontological asymmetry between the knower and the known (i.e. between a perfect intellectual capacity on the one hand and an ontologically less perfect free cause on the other).³⁴

Arriaga, adhering to the common core teaching, presents an interesting example in order to explain why antecedent knowledge of future contingents does not destroy freedom of choice. I take the kernel of the argument to be the following: if it is possible to forget the antecedent knowledge in which case it does not exert any influence on the subsequent volition, then it is definitely not necessary that antecedent knowledge destroys freedom: "Ut autem hanc communem et veram solutionem melius intelligas (semper enim manet scrupulus ille, quomodo, si prius tempore iam novi quod essem facturus, potero postea conari, non illud facere durante in me scientia illa); Ut, inquam, id melius intelligas, supponere debes libertatem meam in instanti B non laedi per quod fuit in instanti A praecedenti, pone me in hoc instanti certo scire, quid sim cras facturus, ante adventum tamen diei crastinae me oblivisci; tunc facile intelliges, quomodo scientia hodierna non impedit meam crastinam libertatem . . . Hoc ergo, quod omnino certum et evidens est, supposito, imaginare tibi, me de actu libero quem producturus sum in instanti C, habere scientiam in instanti A et B, haec scientia ut hucusque durans, et non transiens ad instans ipsum C, non me cogit ad operandum . . . in ipso autem instanti C ea scientia non est nisi posterius natura ad operationem, quasi . . . in priori naturae, quando exerceo meum actum, et meam libertatem, oblitus fuisset eius scientiae; et nihil eo priori cogitans, quid facturus essem, expedio meum actum, et meam libertatem, et tunc posterius natura iterum quasi recordor, ac dico, Ecce feci quod antea noveram me facturum.

. . . Ergo etiamsi haec eadem cognitio fuisset in instantibus praecedentibus, non laesisset meam libertatem." R. de Arriaga, *Disputationum theologicarum in primam partem divi Thomae tomi duo* (Lyons: 1669; first edition: 1643), Tractatus de Deo ut uno, disp. 21, sect. 3, p. 208.

³⁴ "Neque enim ad intuendum in re libera in quam partem se inflectet satis est illius comprehensio, neque quaecunque major comprehensio quam sit res comprehensa, sed necessaria est altissima atque eminentissima comprehensio, qualis in solo Deo comparatione creaturarum reperitur." L. de Molina, q. 14, a. 13, disp. 52, p. 228.

For Suárez's criticism of supercomprehension and the idea that God knows his own will in the same way as any created will see the following:

"Haec vero ratio mihi nullo modo probari potest; in primis enim supponit falsam sententiam, haec scilicet futura cognosci in virtute seu dispositione voluntatis per comprehensionem ejus. Deinde, priusquam consideremus virtutem et facultatem ex parte cognoscentis, inquiram de veritate et connexione ex parte obiecti cognoscibilis: aut enim in voluntate libera creata sic disposita cognoscibile est quid actura sit vel esset, si ita esset disposita, vel non est cognoscibile. Si non est, ergo, quantumvis supercomprehendatur talis voluntas, nunquam in illa id cognoscetur. Si vero est cognoscibile, ergo, quantum est ex vi obiecti, etiam in voluntate increata erit cognoscibile quam determinationem liberam sit habitura in hoc vel illo eventu . . . Declaratur tandem in hunc modum ex supradictis, quia, quantum ad hanc rationem comprehensionis, quae est cognoscere rem quantum cognoscibilis est,

Now Molina does not say that the temporal order of knowledge and its object implies ontological dependence explicitly, and, in fact, says just the opposite when trying to answer the charge that foreknowledge of a contingent state of affairs makes it causally inaccessible (i.e. necessary in the unpreventability sense), and leading to the destruction of free decision. Here one might perceive a serious inconsistency in his theory: on the one hand antecedent knowledge of causal determination in God makes this determination necessary (causally inaccessible and unpreventable); on the other hand divine foreknowledge of any decision of any created free cause does not make the decision necessary in the sense of causal unpreventability.³⁵ This brings us to the second of the two important questions discussed in relation to the divine foreknowledge of future contingents, namely, the issue of whether certain foreknowledge destroys the contingent status of future contingent states of affairs.

III. THE IMPLICATION OF NECESSITY

Molina treats the question in the second argument (i.e. the second objection) in disputation 52. He in fact recounts the second objection of question 14, article 13 from the first part of Aquinas's *Summa theologiae*.³⁶ Let us restate the objection in a systematic way. Consider the following argument:

tam perfecte cognoscit Deus suam voluntatem, quam creatam; si quis autem est excessus in divina scientia respectu voluntatis creatae, solum est vel quasi materialis in genere entis, vel quia divina scientia plura posset comprehendere in illa voluntate, si plura in illa continerentur; sed ista differentia solum est per accidens, ut in una voluntate potius cognoscatur determinatio libera, quam in alia . . ." F. Suárez, opusculum II, lib. 2, c. 8, p. 371.

³⁵ "... duos nihilominus extremos errores esse circa utrumque vitandos. Unum, circa sensum divisum . . . Alterum, circa sensum compositum, videlicet, ne affirmemus ex eo, quod jam praeexistit scientia divina, Petrum re ipsa non posse non peccare, quasi aliquid libertatis, et facultatis ad re ipsa non peccandum, si velit, ob praexistentem scientiam divinam amiserit." L. de Molina, q. 14, a. 13, disp. 52, p. 235.

³⁶ "Praeterea, omnis conditionalis cuius antecedens est necessarium absolute, consequens est necessarium absolute. Sic enim se habet antecedens ad consequens, sicut principia ad conclusionem, ex principiis autem necessariis non sequitur conclusio nisi necessaria, ut in I Poster. probatur. Sed haec est quaedam conditionalis vera, si Deus scivit hoc futurum esse, hoc erit, quia scientia Dei non est nisi verorum. Huius autem conditionalis antecedens est necessarium absolute, tum quia est aeternum; tum quia significatur ut praeteritum. Ergo et consequens est necessarium absolute. Igitur quidquid scitur a Deo, est necessarium. Et sic scientia Dei non est contingentium." T. Aquinas, *Summa theologiae*, I, q. 14, a. 13, arg. 2.

1. It is logically necessary that if God knew that a state of affairs x would obtain at t (future), then x will obtain at t (future).
2. It is absolutely necessary that God knew that a state of affairs x would obtain at t (future).

Therefore, it is absolutely necessary that x will obtain at t (future).

The first implicative premise is conceptually (i.e. logically) necessary. The second premise states that the antecedent from the first premise is necessary in some weaker sense, usually rendered as causal unpreventability as discussed above. The conclusion states that the consequent from the first premise is equally necessary. Thus the argument transfers necessity from the antecedent to the consequent; in other words, the particular type of necessity in the second premise is closed under entailment.

There are various ways of dealing with this argument. Generally, one could either deny the second premise or one could deny the modal logical form, the so-called transfer of necessity. Whereas the former strategy is favored by the followers of W. Ockham, Molina opts for the latter.³⁷

In *Summa theologiae*, Aquinas distinguishes two states in which one could consider one and the same future state of affairs. It can be taken as already actualized and present in divine knowledge, or it can be regarded as future in terms of the potentiality of its causes. In the former mode of consideration it is absolutely necessary in the sense that it cannot be prevented from obtaining by any cause as is the case with all present states of affairs. In the latter, it is contingent, for there is or could be a cause which could bring about the opposite. According to Aquinas, in the argument above, the future state of affairs (and presumably also the divine knowledge of it) are taken as present and thus are absolutely necessary, probably ultimately in the causal unpreventability sense. Thus the conclusion and the consequent of the implication should speak of x 's actual obtaining at t (future): one should substitute " x is obtaining at t " for " x will obtain at t ." This, however, does not destroy the contingent status of the future state, if taken as future.

Molina's answer is different from Aquinas's. In a nutshell, his response seeks to establish the proper sense of "it is absolutely necessary that" in

³⁷ William Ockham, *Predestination, God's Foreknowledge, and Future Contingents*, trans. and intro. Marilyn McCord Adams and Norman Kretzmann (New York: 1969). For the discussion in today's analytic philosophy of religion see e.g. John Martin Fischer, "Freedom and Foreknowledge," *Philosophical Review* 92 (1983): 67–79; David Widerker, "Troubles with Ockhamism," *Journal of Philosophy* 87 (1990): 462–80, etc.

the second premise so as to show that this particular sense of modality is falsely ascribed to “ x will obtain at t (future)” in the conclusion. In other words, according to Molina this particular sense of necessity is not to be legitimately transferred from the antecedent of the implication in the first premise to its consequent, as the argument purports to do. This specific type of necessity is not closed under entailment.

What is this absolute necessity which the second premise rightly ascribes to the divine foreknowledge of some future state of affairs x ? Essentially it has the same meaning as in Aquinas.³⁸ Molina suggests it is the kind of necessity pertaining to past states of affairs and the corresponding propositions on account of their causal inaccessibility. Though the particular proposition is logically contingent (the corresponding state of affairs could have not obtained),³⁹ it is absolutely necessary, for there is no causal power now which could bring it about that the past tense proposition (e.g. God foreknew a certain state of affairs) is false now rather than true. If there were such a power, in order to cause the past tense proposition to be false now it would have to be able to bring it about that its present tense counterpart proposition (describing the past state of affairs as present) were false at the time of its obtaining. Since there is no power over the past (i.e. there is no power to bring it about now that the state of affairs which actually happened did not happen), there is no power capable of altering the truth-values of past tense propositions:

it is absolutely necessary that p if and only if there is no power now to bring about that not p .

The question now is why this species of necessity is not to be transferred to the conclusion.

Molina's assumption in the statement of the second objection is that if the transfer were valid, then the nontransfer form would have to be invalid (i.e. it could have true premises and a false conclusion).⁴⁰ Molina's

³⁸ The basic meaning is that of causal unpreventability on account of causal inaccessibility. Whereas Aquinas ascribes this sort of necessity to past and present states of affairs, Molina needs to attribute it only to past states and thus his reasoning is immune to possible controversy, whether this type of necessity really pertains to all present happenings.

³⁹ To use contemporary jargon: the particular state of affairs did not obtain in some possible world distinct from the actual world in the very time it obtained in the actual world.

⁴⁰ “Secundo, si conditionalis aliqua est vera, et ejus antecedens est absolute necessarium, consequens est etiam absolute necessarium, alioquin in bona consequentia esse

strategy in his response to the objection is to show that this is not the case: the nontransfer argument can never have true premises and a false conclusion, which makes it valid.⁴¹ It appears that Molina regards the nontransfer form to be the following:

1. It is logically necessary that if God knew that a state of affairs x would obtain at t (future), then x will obtain at t (future).
2. It is absolutely necessary that God knew that a state of affairs x would obtain at t (future).

Therefore, it is absolutely contingent that x will obtain at t (future).

Molina observes that the latter form can never have true premises while the conclusion is false. For whenever the conclusion is false, because x fails to obtain at t , the second premise is also false. If x did not obtain at t (future), then God would have known that x would not obtain at t (future). Molina does not appear to be aware of the fact, however, that the conclusion could be false not only when x does not obtain but also when it is true that it is absolutely necessary that x will obtain at t (future).

posset antecedens verum et consequens falsum, quod nulla ratione est admittendum: sed haec conditionalis est vera, si Deus scivit hoc esse futurum, id ita eveniet; alioquin scientia Dei esset falsa: et antecedens est absolute necessarium, tum quia aeternum, tum etiam quia praeteritum, et ad praeteritum non est potentia: ergo consequens erit etiam absolute necessarium, ac proinde nullum futurum praescitum a Deo erit contingens." L. de Molina, q. 14, a. 13, disp. 52, p. 226.

⁴¹ "His ita constitutis, ad argumentum neganda est major, quando antecedens sola necessitate proxime explicata est absolute necessarium, et conceptio formata est dependenter ex eo quod ita res libere contingenterve esset futura, contrarioque modo efformanda foret, si res, ut potest, contraro modo esset futura; certitudinemque habet non ex objecto, sed ex solo acumine et immensa perfectione concipientis. Tunc enim esto conditionalis sit necessaria, quia in sensu composito cohaerere non possunt ista duo, quod Deus aliquis praesciat futurum, et illud non eo modo eveniat; et esto antecedens illo modo sit necessarium, quia praeteritum, et quia in Deum nulla possit cadere vicissitudinis obumbratio; nihilominus consequens potest esse mere contingens. Ad illam vero probationem majoris qua infertur; alioquin in bona consequentia esse posset antecedens verum et consequens falsum; negandum est id sequi. Etenim, si, ut potest, futurum esset oppositum consequentis, nunquam praecessisset illud antecedens, quod ideo ita acumine et perfectione divini intellectus conceptum est, quia res, cum posset aliter evenire, ita erat eventura. Quare nunquam daretur antecedens verum, et consequens falsum. Quo sit, ut consequens illud, posito eo antecedente ut re vera est, solum sit necessarium necessitate consequentiae, qua optime ex eo infertur: non vero necessitate consequentis; quoniam conditio, illa non ut reddit antecedens illo modo absolute necessarium, ita reddit consequens, quod nullo modo afficit, sed et esse et non esse simpliciter potest: si tamen non esset futurum, ut potest, nunquam praecessisset antecedens illud, neque proinde in eo conditio illa reperiretur, quae ex solo acumine, et perfectione divina provenit." L. de Molina, q. 14, a. 13, disp. 52, p. 236.

Then, presumably the second premise would be true. Then, one *could* have true premises and a false conclusion. It might be that Molina rules this option out by implicitly taking the second premise to be

2. It is absolutely necessary that God knew that it is *absolutely contingent* that a state of affairs x would obtain at t (future).

Let us say, however, that Molina takes the nontransfer to be just the following:

1. It is logically necessary that if God knew that a state of affairs x would obtain at t (future), then x will obtain at t (future).
2. It is absolutely necessary that God knew that a state of affairs x would obtain at t (future).
Therefore, x will obtain at t (future).

In this form it is true that whenever the conclusion is false, the second premise is false as well. It seems, however, that Molina's reasoning is seriously flawed. In fact, he is constructing the following valid *modus tollens* argument:

- i. It is not the case that x will obtain at t (future).
- ii. It is logically necessary that if God knew that a state of affairs x would obtain at t (future), then x will obtain at t (future).
Therefore, it is not the case that God knew that a state of affairs x would obtain at t (future).

The truth of the premises is assumed independently of the truth of the conclusion which either follows (in a valid argument) or it does not (invalid argument), but Molina cannot assume the truth of (i) independently of the truth of premise 2 in the nontransfer argument:

1. It is logically necessary that if God knew that a state of affairs x would obtain at t (future), then x will obtain at t (future).
2. *It is absolutely necessary that God knew that a state of affairs x would obtain at t (future).*
Therefore, x will obtain at t (future).

Although premise 2 can be assumed independently of the negation of the conclusion (i.e. statement [i]), the converse is not true. The truth-value of

a statement which is considered dependent on the truth-values of some other statements must be consistent with their truth-values. Thus we independently assume that the statements

1. It is logically necessary that if God knew that a state of affairs x would obtain at t (future), then x will obtain at t (future);

and

2. It is absolutely necessary that God knew that a state of affairs x would obtain at t (future)

are both true. If this is so, then we cannot assume that the conclusion

Therefore, x will obtain at t (future)

is false. If the proposition "God knew that a state of affairs x would obtain at t (future)" cannot now be made false, and this proposition implies another one, namely, " x will obtain at t (future)," then the implied proposition must share this same necessary status. This reasoning shows that transfer form is actually valid.

We have seen that in a single case, that of God, Molina seems to take this transfer argument as valid. If on God's part there were an antecedent knowledge of his volitions then this knowledge would determine them. Presumably the Jesuit thinks of this knowledge as causally inaccessible, and hence absolutely necessary in the language of the present argument. Thus the volitions would have to conform to the antecedent knowledge (i.e. they would be equally causally inaccessible and unpreventable in the sense that no cause can cause the opposite of what these volitions actually are). Why does Molina not employ the same reasoning as in the present reply to the second objection? Both cases seem to be exactly parallel from a logical perspective. Thus Molina does not seem to provide a fully satisfactory answer to the problem of necessitation.

By way of conclusion, let us restate the main features of Molina's view on the intricate issue of divine foreknowledge of future contingents. Future contingents are true or false. Their truth-value is grounded partly in the special divine knowledge of decisions any created will would make in every possible circumstance, which as such is independent of the divine will, and partly in the decisions of the divine will itself. Molina seems to

be driven to preserve the intuitive semantic truth-conditional principle that truth-value is founded on present causal determination. Hence the conditional future determinations are known by God in the created will itself. The will in itself is actually not determined, yet in the superior divine intellectual understanding it is represented as if it were presently conditionally determined. The rationale for this special divine knowledge precludes God knowing his own decisions in any possible circumstances. The further argument that if there were such knowledge in God then it would be at odds with his freedom seems to presuppose the validity of the transfer argument which purports to show that the infallibility of divine knowledge in conjunction with its causal inaccessibility implies that that which is known, the future states of affairs, is in fact not contingent but necessary in the sense of causal unpreventability. Molina's attempt to show the invalidity of the transfer argument appears to be at best controversial.

PREDESTINATION AS TRANSCENDENT TELEOLOGY: MOLINA AND THE FIRST MOLINISM

Juan Cruz Cruz

I. TELEOLOGICAL PRESUPPOSITIONS

1. *Teleology of the Beginning and Teleology of Plenitude*

1. The philosophical problem of a “metahistory,” or, as Vico would have said, of an “ideal eternal history,”¹ obtains its speculative gradient with the concept of “predestination,” which has been treated profusely in occidental theology, from Saint Augustine to the masters of the *Siglo de Oro*, passing through Saint Thomas Aquinas and John Duns Scotus, among others.

In the last section of the *Concordia*,² Molina enquires about predestination. This topic is not a simple and final appendix to the book, but rather represents the purpose to which the previous questions and sections are aimed.³ And since what is last in the order of execution comes first in the order of intention, it could be said that Molina’s book as a whole is aimed at the explanation of predestination. It is a theory about metahistory.

Molina starts discussing the issue of predestination and reprobation in the same way that it has been presented in the second half of the

¹ Juan Cruz Cruz, *Hombre e historia en Vico* (Pamplona: 1982), 315–42.

² The book’s full title is: *Concordia liberi arbitrii cum gratiae donis diuina Praescientia, Providentia, Predestinatione et Reprobatione, ad nonnullos primae partis D. Thomae articulos*, 1588. The second edition published in Antwerp in 1595 has the following title: *Liberi arbitrii cum gratiae donis, diuina praescientia, prouidentia, praedestinatione et reprobatione concordia: altera sui parte auctior*. The complete modern critical edition by J. Rabeneckin 1953 is the following: *Ludovici Molina liberi arbitrii cum gratiae donis, diuina praescientia, providential, praedestinatione et reprobatione concordia* (Madrid: 1953).

³ The *Concordia* contains two main parts, such as Molina himself explains q. 14 a. 13. The first part has three sections: (1) the powers of free will to achieve good actions (controv. 2–24); (2) the harmony (Concordia) of free will with God’s general assistance (concurus) (controv. 25–35); (3) the harmony of free will the assistance of grace (controv. 36–46). The second part has four sections: (4) the harmony of free will with God’s (controv. 47–53); (5) God’s will (q. 19 a. 6: controv. 1–3); (6) God’s providence (q. 22 a. 1–a. 4); (7) predestination and condemnation (q. 23 a. 1–a. 5).

16th century under the heading of Augustine's⁴ doctrine and expressed by Saint Thomas: predestination is the reason, cause, or ground for the transmission or projection of the rational creature towards the end of eternal life;⁵ it is, then, the intelligent way in which man is carried toward the terminus of eternal life. This way is an "ideal eternal history" (Vico); a conception or ideal *ratio* that exists in God from eternity and which teleologically draws human destiny.

Predestination, from the perspective of the Creator, is a plan of salvation that comprehends three aspects. First, due to grace the elevation of the rational creature towards the supernatural order; secondly, the virtue capable of merit maintained until death; and, thirdly, the end (i.e. the acquisition of glory). Here, there are three noetic elements related as means to an end: grace, the act of virtue, and glory.

2. As to his basic inspiration, Molina follows the theologians of the 13th century, especially Saint Thomas Aquinas, whose *Prima Pars* of the *Summa theologiae*—mainly up to question 23—he comments in the final section of the *Concordia*. For Aquinas it was clear that *praedestinatio* had to be analyzed in teleological terms: man is like the tension of an arrow towards a target (*sagitta ad signum*). That aimed or directed tension is specified through its purpose, its end. But who steers the arrow? Who disposes everything towards an end? It is *providentia divina* that orders everything toward an end and to which everything is subjected.⁶ And indeed one part of providence is predestination.

What end is predestination about? Saint Thomas answers: it is the end that exceeds the natural capacity, and that end is eternal life, which consists in seeing God's glory. It is not about the end given to the created nature and which can be obtained through natural capacities. The end that cannot be obtained by means of a natural capacity has to be obtained by another in the way the arrow needs the archer to reach the target (*sicut sagitta a sagittante mittitur ad signum*). In other words, a rational creature

⁴ Augustinus, *De dono perseverantiae*, c. 14, n. 35. See: Jean Cheéneé, *La théologie de Saint Augustin: grâce et prédestination* (Lepuy: 1961). Gotthard Nygren, *Das Prädestinationsproblem in der Theologie Augustinus: eine systematisch-theologische Studie* (Göttingen: 1956).

⁵ STh. I, 23, 1. See Friedrich Stegmüller, *Die Prädestinationslehre der Scholastik 1: Von Anselm bis Thomas von Aquin* (Freiburg im Breisgau: 1928). Reginaldo Garrigou-Lagrange, *La prédestination des saints et la grâce: doctrine de saint Thomas comparé aux autres systèmes théologiques* (Paris: 1936).

⁶ Thomas P. Flint, *Divine Providence: The Molinist Account* (London: 1998), 22–35.

reaches eternal life when it is aimed or thrown by God. *Ratio*, the grounds for this aiming or throwing, is transcendent: it preexists in the secret of his divine providence, which encloses the *ratio* of how everything is ordained to an end. It might even be said that this end has a certain preexistence (*quaedam praexistentia*) in God's mind. Therefore, as has been said at the beginning, Saint Thomas defines predestination as the *ratio* of the rational creature's aiming at the end of eternal life (*ratio praedictae transmissionis creaturae rationalis in finem vitae aeternae, praedestinatio nominatur*). Hence predestination reveals itself as part of providence, which, strictly speaking, applies to rational beings, since irrational beings are neither entitled to reach out to an end that exceeds the capacities of human nature, nor are they subjected to any predestination.

3. What are the elements derived from the intellect and the will that comprise predestination, and how is it put together psychologically? Like Saint Thomas, Molina accepts that predestination is a part of providence, which is like divine prudence. In other words, providence is not theoretical reason, but practical reason (i.e. a sort of prescriptive reason): it commands the reaching out of some men to an end. Yet practical reason presupposes regarding itself a previous act of the will, because only when there is a previous voluntary act related to an end can there be a rational command that something, a means, be ordained towards that end. The predestination of some does, therefore, presuppose God's intention to save them. This intention implies love and choice. It is love—the desire to wish someone else good—insofar as God desires for them the good of eternal salvation. It is choice, insofar as he desires that good to be for some and not for others (whom he condemns). Predestination is an act of practical intelligence and presupposes willing the end. This practical intelligence, in turn, logically precedes choice, which is a posterior act, proper of the act of willing the means. In fact, the ideal conception, which is in God, is most efficacious in precisely this will.⁷ However, choice and love in God are not related in the same way as in us, because when our will loves, it does not cause the good, but it is a preexisting good that incites us to love. When our voluntary choice is propelled to choosing a preexisting good, it necessarily has to be about something that already exists. But in God this happens inversely, since, when his will loves and desires the good for someone, it causes some to reach the good and others not.

⁷ STh., I, q. 23, aa. 1, 2, 4, 7.

4. Predestination, as part of providence, is not, therefore, in the ordained things, but in the provident mind. Yet there is a difference between the execution of providence and the execution of predestination. The execution of providence, which is called ruling (*gubernatio*), is passive in the ruler and active in those ruled.⁸ In contrast, the execution of predestination—i.e. ordaining some for eternal salvation—is passive in those predestined and active in the one who predestines. The execution of predestination is, then, initially gratuitous vocation and in the end glorification.

Predestination as such (*ut sic*) is an immanent action which does not exceed the external reality, but which remains in the divine agent: it does not put anything outside himself. But its execution, and only its *execution*, insofar as it passes to something external (i.e. the predestined), adds an effect upon him, for example several gifts like grace in the beginning and glory at the end, both teleologically coordinated.

From what has been said, it is clear that the definition of predestination has to contain grace, because predestination, as transcendent teleology, is to be the gift of grace in the present and of glory in the future. But grace is not a part of the essential definition of predestination as if being part of its essence, but of its causal and objective definition, insofar as predestination relates to grace as the cause to its effect or the act with its object.⁹ There is, then, an initial teleology, which has grace as its end (*Gnadensteleologie*),¹⁰ and it has teleology of plenitude, which has glory as its end (*Seligkeitsteleologie*). Both are correlated.

5. Questions about transcendent teleology became notorious in the 16th century with the advent of Lutheranism.¹¹

On the Iberian Peninsula, at the University of Salamanca (with the Dominicans)¹² as well as at the University of Coimbra (with the Jesuits),¹³ efforts were undertaken to study and solve those problems under the impact of new historical circumstances that affected theology. If in ancient

⁸ R. Bernhardt, *Was heißt "Handeln Gottes": Eine Rekonstruktion der Lehre von der Vorsehung* (Munich: 1999), 90–115.

⁹ STh., I, q. 23, a. 2.

¹⁰ Louis Billot, *De gratia Christi et libero hominis arbitrio* (Rome: 1908), 85–97.

¹¹ Wilfried Härle (ed.), *Prädestination und Willensfreiheit: Luther, Erasmus, Calvin und ihre Wirkungsgeschichte* (Leipzig: 2009).

¹² Friedrich Stegmüller, *Beiträge zur Gnadenlehre der Salmantizenser Schule mit besonderer Berücksichtigung des Dominikus Soto* (Freiburg im Breisgau: 1930), 30–45.

¹³ Antonio Astrain, *Historia de la Compañía de Jesús en la asistencia de España* (Madrid: 1913), t. IV, lib. II.

times Pelagianism praised free will in detriment of grace, contemporary Lutherans had exalted grace in detriment of free will.

The Jesuits invoked the foundational spirit of Saint Ignatius in order to defend the authenticity of human free will. They went back to the discussions that took place during the first half of the 16th century at the University of Paris that had influenced the founding father of the Company of Jesus.

There is nothing odd about the fact that the *Spiritual Exercises* of Saint Ignatius—who stayed for seven years at the University of Paris—contain practical rules or guidelines, whose observance made it possible to maintain the complete doctrinal judgment among the followers of his time: “We should not insist too much on grace, so that it may produce the venom that does away with free will . . . and that the deeds and free choice are depleted or deemed *nothing*.” This is what is also found in rules 14, 15, 16, and 17. Regarding those rules Francisco Suárez notes that “it is obvious that the zeal with which our Company is now endeavouring to find a satisfactory solution in order to resolve the problem of reconciling freedom with grace . . . this zeal inspired Ignatius, our father, from the beginning. From him it passed to his sons.”¹⁴

2. *Teleology of Reward and Teleology of Punishment*

1. Thomas Aquinas explains that God desires *antecedently* that all men be saved. This way of desiring is not desiring something absolutely, but, as it were, in a relative way, respecting man’s free will. He does desire salvation in a consequent way, which would necessarily imply the absolute desire of something. The Angelic Doctor, whom Molina follows,¹⁵ holds those two assertions as well: God’s will is always accomplished and man is free. Famously, at the end of the 16th century, Molina and Báñez attempted to solve that antinomy.¹⁶

If there is predestination, then there must be condemnation as well. Predestination is part of providence, which allows for some events not to happen. Since through divine providence man is ordained to eternal life, it also belongs to providence to allow that some may not reach that

¹⁴ *De Instit. Soc. Jesu*, l. IX, c. 5, n. 43.

¹⁵ Kenneth Keathley, *Salvation and Sovereignty: A Molinist Approach* (Nashville: 2010).

¹⁶ G. Schneemann, *Die Entstehung und Entwicklung der thomistisch-molinistischen Kontroverse*, 2 vols. (Freiburg: 1879–80). H. Gayraud, *Providence et libre arbitre: Thomisme et Molinisme* (Toulouse: 1892).

end. This is what is meant by “to rebuke” or “to condemn.” Hence, in the same way that predestination is a part of providence with regard to those who have been ordained by God towards eternal salvation, so too is eternal rebuke or condemnation a part of providence with regard to those who will not reach that end. Condemnation includes, therefore, not only theoretical prescience, but also practical providence. In the same way that predestination encloses the will to give grace and glory, so do rebuke and condemnation enclose the will to allow someone to sin and to receive the punishment for it.¹⁷

2. Yet in the etiologiical order, condemnation, insofar as it is a cause, is not the same as predestination. Predestination is rather the cause of glory, which is hoped for by the predestined for their future life. It is also the cause of grace, which is a gift received in the present life. Condemnation, in turn, is not the cause of sin, which happens in the present life; God does not play a role in sin. Yet it is the cause of eternal punishment, which is bestowed in the future upon the sinner. Sin stems from the free will of those who are condemned when departing from grace.¹⁸

For Saint Thomas, as for most of the great masters of the 13th and 14th centuries, God’s condemnation does not diminish the capacity or power of those condemned. Hence, when they say that the condemned cannot reach or obtain grace, they assert that it is not an absolute impossibility, but a conditional one; one which does not override free will. It is equally necessary that the predestined be saved with conditional necessity, without eliminating his own freedom.

On one side, the one condemned by God cannot reach grace, on the other side, the sinner still has free will and hence he is charged with guilt.¹⁹

3. *Predestination as Mediation*

1. The great theologians of the 13th and 14th centuries taught that man’s salvation is a gratuitous deed of God. As I have said, they underscored that there are three cognitive elements intertwined with the teleological process of predestination: (1) grace; (2) the act of virtue; and (3) glory.

¹⁷ STh., I, q. 23, a. 3 c.

¹⁸ STh., I, q. 23, a. 3, ad. 2.

¹⁹ STh., I, q. 23, a. 3, ad. 3.

But from those three elements arises the following problem: if divine grace is the cause of the act of virtue—which is an act of free will—is this act of virtue somehow the cause of glory? The specific problem has an etiological structure, whose resolution or ending for man is salvation or condemnation.

For Saint Thomas,²⁰ Saint Bonaventure,²¹ or Duns Scotus,²² in the different sections of this teleological tension of predestination, the following occurs: (1) Initially man is powerless. (2) God spills his grace over this poverty; he begins his labor of salvation without man. (3) Afterwards, helped by grace, man coincides with it through the good use of the act of virtue. (4) The culminating point of this process is glory. With regard to this last point, there arises a doubt: even if God continues his labor of salvation with man, it still remains to be seen if the merit of the act of virtue—which is an act of free will—accomplishes somehow the process of salvation, so that God culminates salvation because of man. In fact, it has to be explained if glory is—even partially—a reward earned because of virtue and, therefore, if this ending is the result of divine justice. In this case salvation would include a dual implicit etiological structure, or, on the contrary, if salvation as a whole results from grace, being the consequence of pure teleological transcendence, from the beginning to the end, coming not from justice, but from love.²³

Suggesting the possible existence of a dual implicit etiological structure leads to hard questions about predestination: (1) Is there a common action of two agents (grace and freedom), and what would the action each be? (2) How does God from eternity foresee the free use man makes of grace? (3) Without coercing it, how does God infallibly lead human freedom towards the ends of providence?

2. Some of those etiological questions were already traditional in the works of those masters from the 13th and 14th centuries. Saint Thomas, for

²⁰ Michal Paluch, *La profondeur de l'amour divin: évolution de la doctrine de la prédestination dans l'œuvre de saint Thomas d'Aquin* (Paris: 2004).

²¹ Klaus Obenauer, *Electio e sinu Trinitatis: Bonaventuras Prädestinationslehre nebst einem Reflexionsbeitrag* (Hamburg: 1996).

²² Paul Vignaux, *Justification et prédestination au XIV^e siècle: Duns Scot, Pierre d'Auriol, Guillaume d'Occam, Grégoire de Rimini* (Paris: 1934). Wolfhart Pannenberg, *Die Prädestinationslehre des Duns Skotus: im Zusammenhang der scholastischen Lehrentwicklung* (Göttingen: 1954).

²³ Raoul Scorraille, *François Suarez de la Compagnie de Jesus d'après ses lettres, ses autres écrits inédits et un grand nombre de documents nouveaux* (Paris: 1911), III, cap. 1, n. 2.

instance, sustains categorically that the antecedent knowledge of human merit is not the cause of predestination.²⁴ He explains this by pointing out that predestination implies a previous will, which is why it is necessary to search for the reason of predestination in the divine will. No cause has to be ascribed to that will from the point of view of its desiring, which is direct and original, but a cause may be ascribed from the point of view of what is desired (i.e. insofar as God desires something by means of something else). Saint Thomas acknowledges this sort of externalized “mediation,” but he thinks it is absurd to say that the human merit is the cause of predestination in the divine act of predestining (*ex parte actus prae-destinantis*). Yet he believes that it is reasonable to ask whether predestination has a cause from the point of view of the effects (*utrum ex parte effectus, prae-destinatio habeat aliquam causam*). This forces him into an explanation as to whether God predetermines giving someone the effects of predestination (glory) based upon human merit.

3. Saint Thomas believes that the effect of predestination contains a two-fold aspect, a particular and a general one.

(a) Upon reflecting on the particular effect, it is not contradictory to think that one predestined effect is the cause and reason of another (*causam et rationem alterius*). For example: according to the final cause, what is posterior is the cause and reason of what is prior, because what is first in the order of intention is last in the order of execution. Another example: regarding the cause of merit, what is prior is the cause and reason of what is posterior, but, in the case of human beings, that cause of merit is not a formal ground or an efficient action, but the mere material disposition (*dispositionem materiae*). In this particular sense it might be said that God predetermined someone for glory based on his merits and that he predetermined to bestow grace upon someone in order to make him deserve the glory. One might thus speak of the teleology of salvation as a “functional mediation.”

(b) Considering the effect of general predestination, it is impossible that any effect of that general predestination concurs with causation on our part (*impossibile est quod totus prae-destinationis effectus in communi*

²⁴ STh., I, q. 19, a. 5 c.

habeat aliquam causam ex parte nostra).²⁵ This is because everything contained in man in order to direct him towards glory (teleology of plenitude) is already entirely the effect of predestination, including the preparation towards grace (teleology of the beginning). All of this is the result of divine intervention. If so, is predestination a cause regarding the effects? In fact, it is love and divine goodness to which every predestined effect is ordained as to its end and from which it proceeds as from the first principle of movement.

To summarize: general predestination is *immediate*, since the reason or purpose of the effect is the same as divine goodness itself. But particular predestination is a *functional mediation* in the sense that an effect can be taken as the reason or cause of another.²⁶

In order to understand the theological scope of this functional mediation, one has to rethink what Saint Thomas says about the doctrine of those who sustained that merit follows the effect of predestination (*merita sequentia praedestinationis effectum*); they are the reason for predestination. This proposition does not refer to the effects of a morally good action by means of natural virtues, but to the good action supported and informed by supernatural grace. But for Saint Thomas this thesis is ambiguous and incomplete. What it says is that, if God bestows his grace on someone, and if he predetermined doing so, it is so because he previously knew that that person would make good use of it. It is like a king who gives a soldier a horse knowing that he will make good use of it.

The problem surfaces when we distinguish between what comes from grace and what comes from free will (*id quod est ex gratia, et id quod est ex libero arbitrio*). Saint Thomas sustains categorically that one thing can have its origin in both, and therefore points at the functional mediation between the effects. Its speculative meaning and scope would be the following: what originates in grace is the effect of predestination, but this cannot be posited as the purpose of predestination, because it is already implicit. Therefore, for Saint Thomas, what comes from free will does not differ from what comes from predestination, and it is not different from what comes from a secondary cause and from the primary cause, since divine providence produces effects based on secondary causes. According

²⁵ STh., I, q. 19, a. 5 c.

²⁶ STh., I, q. 19, a. 5, ad. 2.

to Saint Thomas, the functional mediation can be recapitulated as follows: even what is done of free will comes from predestination.²⁷

It is precisely the articulation of this last point where in the *Siglo de Oro* a hermeneutics of predestination arises that intends to explain a functional mediation, which in Molina's time is being developed mainly by Jesuit authors. In some of them we find an interfunctional hermeneutics, whereas in others we find a suprafunctional one.

II. PREDESTINATION AND HUMAN FREEDOM

1. *Teleology of Grace*

a. *Assisted Freedom*

The Jesuit historian Poussines holds that, since its inception, the Company's theologians had tried to defend unanimously that divine assistance is being felt in the soul so that it does not by itself force the realization of an act nor does it imply any physical and unavoidable predetermination.²⁸ The background for his assertion was Báñez's doctrine, who adopted the theory of the *predetermining divine decrees*,²⁹ by means of which God determines from eternity that this man, under this particular circumstance, would act in such a way that he would receive instantly the "irresistible" grace that determines him to act.

Even Suárez wrote to the Jesuit cardinal Francisco de Toledo a long letter, dated 14 June 1594, in which he summarizes his stance on Báñez's doctrine:

The main point of the controversy is about the mode in which God determines our will or concurs with it regarding either natural or supernatural free actions. The Dominican fathers teach that God determines physically our will with His efficacious will, thus preceding (*preveniente*) it; in addition to the stimulating assistances (*auxilios excitantes*), inspirations and perception etc., He establishes our will with physical determination *ad unum*, with

²⁷ STh., I, q. 19, a. 5 c.

²⁸ Pierre Poussines, *Historia controversiarum quae inter quosdam e Sacro Praedicatorum Ordine et Societatem Jesu agitatae sunt ab anno 1548 ad 1612* (MS 11073 University of Salamanca), t. III, c. 4.

²⁹ The expression *praedeterminatio physica* is first found in Báñez: *Apologia FF. Praedicatorum in provincia Hispaniae professorum adversus quasdam novas assertiones*; this work was written in 1597 and received in Rome in 1598 as part of the Dominican defense on *De auxiliis* before the papal court. See Vicente Beltrán de Heredia, *Báñez y las controversias sobre la gracia: textos y documentos* (Madrid: 1968). Théodore de Regnon, *Báñez et Molina: histoire, doctrines, critique métaphysique* (Paris: 1883).

which only that can be desired to what it [the will] has been determined and without which it cannot desire anything. Some of them say that this determination is a quality distinct from the act, which they call essentially efficacious motion *physice*; others say that it is the act itself of our will, *ut est prior in nobis a solo Deo eiusque voluntate efficaci, quam sit a nobis*. . . . And this difference, which is the main one, originated others. . . . The doctrine of a physical predetermination of our will. . . . is obviously not that of Saint Thomas nor is it based on him; far less does he say that such predetermination is absolutely necessary for a good action or even for an evil action.³⁰

The essential point of debate with Báñez can be reduced to the following question: does efficacious grace consist in a previous impulse whose nature and effect it is to predetermine man's will? The answer was: this predetermining movement or impulse has to be denied and the free determination of the will, assisted but not forced, known by God has to be assumed.³¹

In his *Concordia*, Molina opposes the theologians who taught the necessity of an internally efficient assistance (i.e. an assistance that by its own nature would have an infallible connexion with the effect), in virtue of a physical motion³² that would determine human desire with regard to one act, previously decreed by God in an absolute fashion.³³

In order to understand predestination, Molina proposes that it is unavoidable to admit the existence of an externally efficacious grace; one which infallibly tends to the effect conceived by God in virtue of an extrinsic element (i.e. middle science or the knowledge which God has of every future conditional, especially of the free acts which, enticed and

³⁰ "Carta de Suárez al Cardenal Toledo," Granada, Biblioteca de la Universidad, MS E, 1, t-V, n. 7, fols. 108-09. Reproduced by Scorraille, III, cap. 1, n. 12.

³¹ José Sagüés, SJ, "¿Crisis en el bañecianismo?" *Estudios Eclesiásticos* 86 (1948): 699-749. Sagüés, "La suerte del bañecianismo y del molinismo," *Miscelánea Comillas* 34-35 (1960): 393-431.

³² *Motio physica* or divine *praemotio physica* of free human acts are the expressions used in the School of Salamanca. Perhaps everyone's mood had been influenced by the condemnation of 30 propositions by Lessius at the University of Louvain in 1587, accused of Pelagian influences.

³³ Molina wrote in 1594 four memoranda in which he harshly attacked several professors from Salamanca, especially Domingo Báñez, because of the latter's effort to put the *Concordia* on the Index and the suspicion of heresy. According to Molina, Báñez's teaching, which admitted God's "physical premotion" of human free will, was linked to Luther's *De servo arbitrio* de Lutero (F. Stegmüller, *Geschichte des Molinismus*, vol. 1 [Munster: 1935], 715). For Molina there is a simultaneous concursus of God together with free will and no "physical promotion"; this concursus has no impact on created causes, but causes together with it, so that God, as first cause, and man, as secondary cause, influence each other regarding the same determined act. See B. Romeyer, "Libre arbitre et concours selon Molina," *Gregorianum* 23 (1942): 169-201.

assisted by grace, would be realized if the creature were in those precise circumstances).

Therefore, reacting to Báñez's theory of grace as an intrinsic efficacious assistance which relates to the free human act, Molina suggests an external efficacious grace. Under the assumption of such a grace, Molina conjoins the certitude of predestination with the infallibility of divine pre-science, not with the nature of the means employed (grace).³⁴ Suárez said: "It would vain to find in Molina's books the thesis that grace is given as a reward to good deeds realized with natural powers alone or due to them; he maintained the contrary: he told me so in person and in his letters. What he did say is that where such deed exist, God gives his grace."³⁵

b. *The Connexion of Predestination and Divine Wisdom*

1. Although many explanations have been given, the question regarding a human cause of predestination has never been solved. At the beginning of the 16th century Calvin (1509–64) triggered the problem of freedom; he taught that God created rational beings in his image, orienting them to himself as an ultimate end. Yet, some of them are arbitrarily destined to glory and others to the eternal torments of hell.³⁶

The idea of a positive and antecedent reprobation of a great number of rational creatures, without taking into account their lack of merit, led in a parallel fashion to raise again the question regarding the predestination to glory. In fact, if reprobation, at least positive reprobation, could be conceived without any intention from our part, why would not the same happen with predestination to glory under the assumption of the foreseen merits?

Until the second half of the 16th century, the problem of whether predestination to glory has a commendable cause has generally been answered in a negative way: outside of the divine will there is no cause for predestination. Those theologians knew very well the distinction between glory (as the end point) and grace (as a means or disposition). Yet when treating both issues, they did not distinguish unambiguously.³⁷ Thomas

³⁴ "Non ex parte mediorum effectusque praedestinationis, sed ex parte divinae praescientiae" (*Concordia*, q. 23, a. 4, disp. I, membrum 9, secunda conclusio).

³⁵ Francisco Suárez, *De vera intelligentia auxilii efficacis*, c. 11, ed. Vivès, t. X, 357 and 359.

³⁶ J. Calvin, *Institution de la religion Chrétienne* (Geneva: 1662), l. III, c. 23, n. 1; c. 24, n. 12. See Bernard Cottret, *Calvin Biographie* (Paris: 1995; 2nd edition: 1999).

³⁷ Xavier-Marie Le Bachelet, *Prédestination et grâce efficace* (Louvain: 1931), XI–XII. This book is an important source of inspiration for the present chapter.

Aquinas, for instance, knows of an interpretation—which he does not endorse—according to which God had predestined some, because he knew previously that they would act rightly and believe in Christ. To this he answers: “This interpretation would be reasonable, if predestination would be related only to eternal life which follows merits, but it comprehends all the gifts that lead to salvation that God had prepared for man from eternity.”³⁸

These words clearly apply to predestination in general. But the whole of predestination only tends effectively to the final end or glory due to the divine will, which determines the means (just like grace) that warrant the process.

Based on the ordinary distinction between the “intending the end” (glory) and “electing the means” (grace), some theologians prioritized logically the intention of the divine will, which decrees as part of grace the end or the glory for any given creature. Others attributed the logical priority of divine election or the gift of grace, suggesting the doctrine of the election of glory based on foreseen merits (*ex praevisis meritis*).³⁹

This problem requires the establishment of the mutual relationship between the divine will regarding the end, and predestination, which is an act of practical intelligence regarding the means and their coordination with regard to the end that has to be achieved.

The theological tradition has also taught that God endowed the chosen ones with a special love; but if so, what is this special love and what is its role or influence for choice and the distribution of grace?⁴⁰

2. In the *Concordia* Molina takes up the etiological issues already mentioned from the point of view of both efficient and final causality, reinterpreting the notion of human freedom introducing God's middle science. Pedro de Fonseca (1528–99) had been teaching this doctrine in Portugal at the time Molina was one of his students.⁴¹ He begins by asking what the origin of the salvific efficiency of grace is. His answer is that this efficiency comes from its internal power, but establishing a union with consent given by free will, which in turn is assisted by a grace that cannot be

³⁸ *In Epistolam ad Romanos*, c. 8, lectio 6.

³⁹ Le Bachelet, *Prédestination et grâce efficace*, I, XI–XII.

⁴⁰ Le Bachelet, *Prédestination et grâce efficace*, I, XIII.

⁴¹ Severiano Tavares, “Fonseca e a ciência média,” *Revista portuguesa de filosofia* 9 (1953): 4, 418–29. Tavares, “A questão Fonseca-Molina: Resposta a uma crítica,” *Revista portuguesa de filosofia* 11 (1955): 1, 78–88.

bestowed upon in the same instant. This position introduced again a new form of hermeneutics of the functional mediation.

How does God know that man will cooperate or resist grace? From eternity, with his middle science, he knew that this man, when put at a certain time under specific circumstances, would act in a specific way.⁴² How does God guide the free creature without coercing it? For instance, if he had the absolute wish for the salvation of one man, how could he warrant it without negating this man's freedom? If God chooses the graces which he foresees that that man will consent to freely, then his choice entails salvation, not necessarily, but somehow in a certain and infallible way.

c. Predestination and the Harmony of the Divine concursus with Human Freedom

In order to enlighten the harmony of free action with predestination, Molina initially had to deal with the problem of defining the conditions of any free action. He detects two: first, the power of not achieving anything; secondly, the power to achieve something. The first appears in the natural order; the second in the supernatural order, which belongs to a transcendent teleology in congruence with predestination.

As to natural order explains Molina that a general "indifferent" assistance stems from God that neither determines the human will nor its execution

⁴² Middle science is the knowledge God has of conditional future contingents. According to Molina the existence of future contingents implies the intervention of the free human will and hence it is necessary to admit that God has a special knowledge of them, i.e. a middle science which is halfway between his necessary knowledge—simple intellection, knowledge of what he can realise, with or without secondary causes—and his free science—which is science of vision, which follows the decrees of creation; it is the knowledge future human choices. If an intelligent created being had multiple alternatives, the middle science is the knowledge God has of the essence of free future contingents. In fact, it is a kind of supercomprehension of its causes (*eminentissima comprehensio*). Molina says: "God sees the conditional future events in the created will. He not only knows every circumstance in which the will manifests itself and the motives that influence it, but also He also penetrates so profoundly that He clearly sees what it (the will) will do with freedom within the infinity of possible circumstances"; *Concordia*, q. 23, a. 5; See J. Hellín, "Ciencia media y supercomprehensión en Molina," *Miscellanea Comillas* (1967): 299–318. The most important nuance of this thesis is that divine middle science is not extracted from a thing, from freedom, because its origin is God's essence, whose intellect penetrates every conceivable intelligible world from where he can grasp everything past, present, and future. The free conditional future contingents are not merely possible and, however, they are never future contingents in act. Before any decree God knows the free will is about to do with divine *concursus* under any given circumstance. Through middle science God knows without a previous eternal predetermining decree what the free creature would realize with a determinate condition, if it exercised its freedom.

or its specification through an object: "God immediately and because of his immediate presence of his being (*immediate immediatione suppositi*) concurs with the secondary causes regarding the operations and effects so that, as the secondary cause produces its operation and therefore its result without any intermediary, so does God, with this cause and with the same operation, exert an influence by means of a certain general *concursus* and, through it, producing an effect. God's general *concursus* is not a divine influx in the cause, so that it would be moved initially because of this influx, going into action and producing an effect, but rather an immediate cooperation of his action and the produced effect."⁴³ In this case, human freedom would still have the power of not achieving anything.

Molina teaches that, in the supernatural order, apart from the general or natural *concursus*, God is the origin of a particular and supernatural assistance (prior grace), which shows itself before human will is actualized. By means of this grace "God elevates and assists free will and makes it capable of supernatural deeds, such as believing, hoping, loving, regretting and all of this regarding salvation."⁴⁴ Freedom's power to achieve something is, therefore, enhanced. Hence the supernatural order seems to be reconciled with the natural order, due to two simultaneous *concursus*: the natural and the supernatural.⁴⁵

Molina hints that God, as first cause, exerts an influence on the secondary causes by means of a simultaneous *concursus* insofar as God's action is concomitant of a free action, achieving in it its *effect*, which is the direct and immediate end of God's action as well as of freedom's action. Although the divine *concursus* focuses on the cause it brings about, the will that becomes volition, it does not exert any influence on the *will* itself insofar as it is agent, as if it could only act when being moved and incited. It is rather like the end (i.e. the *effect* of the will itself—secondary cause—as well as God's due to the partial influx both produces simultaneously).⁴⁶

Consequently, the secondary cause elicits its operation immediately and through it produces an end or effect. At the same time, the divine *concursus*, in a general and immediate fashion, influences the same operation and through its operation or action produces its end or effect. This general divine *concursus* is not a divine influence on the secondary cause,

⁴³ *Concordia*, q. 14, art. 13, disp. 38.

⁴⁴ *Concordia*, q. 14, art. 13, disp. 41.

⁴⁵ B. Romeyer, "Libre arbitre et concours selon Molina," *Gregorianum* 23 (1942): 169–201. A. Queral, *Libertad humana en Luis de Molina* (Granada: 1977).

⁴⁶ *Concordia*, q. 14, a. 13, disp. 29.

but an influence that, simultaneous with this cause, touches the action and effect of the cause.⁴⁷

When Molina says that neither the universal divine *concursum* nor the secondary causes are complete, but partial causes for an effect, he means to say that the complete effect comes from God and from the secondary cause, but it does not come from God or the secondary cause as if a complete cause, but only as a part of the cause. This requires the simultaneous *concursum* of one with the influx of the other similarly to two rowers who move a boat. The complete movement is being achieved by each of the rowers, but not like the complete cause of its movement, because each one simultaneously realizes together with the other each and every part of the same movement.⁴⁸

Molina holds that God's action is not previous to the free action in the following sense: in time, in causality, or by nature, because it is the same action. In fact, the free action does not differ from God's action. This action, however, insofar as it comes from God, can be thought of as being previous to the free action regarding dignity, scope, and necessity. It is previous in dignity, because it proceeds from God; in scope, because it tends to the contingent effect and only because of a particular rationale of contingency; in necessity, because the action, insofar as it stems from God, is more necessary than the free action in order to achieve the effect.

2. Consequent Predestination: Molina, Lessius, and Vázquez

a. Towards an Interfunctional Hermeneutics of the Complete Teleology

1. The question raised by Molina can be reduced to the following: what is the mode of predestination? "*Post praevisa merita*?" "*propter merita*?" Neither of these prepositions (*post*, *propter*) is accepted by Molina; he rather says: *per praevisa merita*.

He does not admit those prepositions perhaps knowing that, 30 years earlier, within his own order, Francisco de Toledo⁴⁹ introduced them in order to explain the functional mediation and therefore got into serious

⁴⁷ *Concordia*, q. 14, a. 13, disp. 29

⁴⁸ *Concordia*, q. 14, a. 13, disp. 26.

⁴⁹ The Jesuit Francisco de Toledo (1534–96), before becoming cardinal, between 1562 and 1567 taught theology at the Roman College. He wrote a *Commentary to the Summa Theologiae*, published with great delay in the 19th century. See Francisci Toleti, *In Summam Theologiae S. Thomae Aquinatis Enarratio* (Rome: 1869). Yet written copies of his oral teaching circulated within the Jesuit order. The title of question 23 is *De praedestinatione*.

trouble. To the question whether the condemned are the cause for reprobation and whether God predestines due to the good deed he foresees and condemns based on evil action, answers Toledo: "the proximate reason of predestination are the foreseen good actions, but the first reason is God's will alone."⁵⁰ This is the first thesis of an interfunctional hermeneutics.

Toledo explains that God through his science of simple intelligence sees that all men are capable of eternal beatitude; at the same time he sees all the means and assistances that would allow man to reach glory if they wanted to. Also, he wanted to create man and give him the means to reach beatitude, if he was willing to cooperate and to do whatever he could. God decreed to give the glory to those who do whatever they could, taking advantage of the divine assistance received. Since his absolute prescience knows who will receive the glory, he has already chosen them in a definitive way based on their foreseen good deeds (*ex praevisis bonis operibus*) or condemned them based on their evil actions (*ex praevisis iniquitatibus*). Toledo summarizes his thesis thus: "He condemns because of evil deeds (*propter mala opera*) and he predestines because of foreseen good deeds (*propter bona praevisa*)."⁵¹ Once it has been decreed, salvation is certain for the chosen ones for two reasons: infallible prescience and predestination itself with regard to the divine will.⁵²

Toledo's main assertion is clear: there is condemnation because evil actions are foreseen and there is predestination because good actions are foreseen. This thesis is explicitly directed against Thomas Aquinas and John Duns Scotus, and the order's hierarchy disliked it so much that it asked Toledo to recant.⁵³

2. The formulation Molina is willing to accept is "*per propria merita*."⁵⁴ What does "per" mean? It does not coincide with "propter" or with "post,"

⁵⁰ Francisci Toleti, *In Summam Theologiae S. Thomae Aquinatis Enarratio* (Rome: 1869), a. 5, p. 287.

⁵¹ Francisci Toleti, *In Summam Theologiae S. Thomae Aquinatis Enarratio* (Rome: 1869), a. 5, p. 288.

⁵² Le Bachelet, *Prédestination et grâce efficace*, I, 4.

⁵³ Francisco de Borja, general of the Jesuit order, forced the professor to recant publicly. An academic order, published in 1565, inserted this proposition: "16. *Praedestinationis non datur causa ex parte nostra*," taking into account that this is the doctrine which is generally accepted in nearly all universities. See: Xavier-Marie Le Bachelet, *Bellarmin avant son cardinalat* (Paris: 1911), 501.

⁵⁴ "Observa me non dixisse, adultos praedestinos esse *propter* propria merita, sed *per* propria merita: illud enim esset falsum, hoc autem verum est" (*Concordia*, q. 23, a. 4 and 5, disp. 1, membrum 8, and In praedestinatione vero).

which would be suitable to explain the meaning of an interfunctional hermeneutics. In order to answer this question properly one has to follow Molina's line of argument.⁵⁵

In the first place there is no previous election of glory in the sense of an election related to an absolute will that is logically previous to the foreseen merits. This would be incompatible with God's real will to save all of mankind.

Secondly, God knows eternally with "the science of simple intelligence" what would happen in the order of created things and he knows with "middle science" what would be the result of a series of graces each man could receive.

Thirdly, a divine decree applies collectively to the whole of creation taken in a concrete sense, but in such a way that the divine will would relate to the various terms according to a relation of dependence among them, in particular the relations of cause and effect and between acquired merits and glory. This happens in virtue of God's will of universal salvation; he desires the glory for all with antecedent will, even with consequent and absolute will for those who died in the state of grace.

Fourth, once the decree has been posited, every series of grace initially conceived as possible future events would be known as absolute future events.

Fifth, within a series of graces, those that lead to the glory (final end) are nothing but predestination itself (i.e. the conception that God has from eternity of the foreseen order or of the means he knows will lead the rational creature to eternal life in the precise moment this conception is related to the efficient desire to achieve this order of things).⁵⁶ It is a *ratio* of the sufficient means that exists within God so that man can reach eternal life; it is an act of practical intelligence resting upon a previous act of God's will. This will not only plays a role regarding the end but also as to the relations of cause and effect that have to exist between the glory (as reward) and the good use of grace (as disposition or virtue). Although predestination does not follow the foreseen merits, it encloses in an absolute sense the foreseen use of free will and does not happen without it (*non sine praescientia qualitatis usus liberi arbitrii*). With this Molina reformulates the interfunctional hermeneutics, since, even though he neither teaches the predestination on the basis of foreseen merits

⁵⁵ Le Bachelet, *Prédestination et grâce efficace*, I, 23–45.

⁵⁶ Le Bachelet, *Prédestination et grâce efficace*, I, 25–26.

(*ex praevisis meritis*) nor uses the expressions *praedestinatio ex praevisis meritis* or *praedestinatio post praevisa merita*, he talks about relations of what is logically antecedent and consequent (*posterior per priorem*) regarding the effects of predestination conceived as the ends of the divine will.⁵⁷

3. For Molina this interfunctional hermeneutics (*posterior per priorem*) regarding the plan of predestination encompasses four aspects.

First, God does not will the consequent effects in an absolute fashion, but foreseeing the first effects as dispositions or meritorious causes.

Secondly, God has not destined man efficiently to eternal beatitude before he desired to endow them with the necessary means to achieve it and before knowing the use man would make of them.⁵⁸ It is analogous to what happens to a lord who employs servants: he only destines their daily salary in virtue of their labor and merits.

Thirdly, the conditioned divine will to give the glory to all men virtually precedes the absolute divine will of giving it to some and denying it to others.

Fourth, God does not have an *intentio finis* (i.e. the antecedent and absolute will of saving a certain number of men). This is followed by the election of the graces, *electio mediorum*, regulated by this previous will. Both types of will, the one regarding the end and the other regarding the means, cannot be separated; neither can the absolute will of the end be separated from the use a creature would have given to the means put at its disposal.

4. Although word of Molina's theory spread quickly, not everybody had the same explanation of the interfunctional hermeneutics (*posterior per priorem*) involved in it. Gregory of Valencia,⁵⁹ for instance, already arrived

⁵⁷ *Concordia*, q. 23, a. 4 and 5, disp. 1, membrum 7, and Ad fundamentum ergo illud.

⁵⁸ "Neque prius vult Deus nobis voluntate absoluta finem, quam media, neque prius praevidet nos habituros finem, quam praevideat habituros media" (*Concordia*, q. 23, a. 4 and 5, disp. 1, membrum 7, and Ad fundamentum ergo illud).

⁵⁹ The Jesuit Gregory of Valencia (1550–1603) was professor in the German universities of Dillingen and Ingolstadt (1573–98). In 1598 he was called to Rome in order to defend Molina in the congregations *De auxiliis*. Some years earlier he had begun to write his most famous work: *Commentariorum theologicorum tomi quatuor. In quibus omnes materiae quae continentur in Summa Divi Thomae explicantur*: I (1591), II (1592), III (1595), IV (1597). In disputation I, questions 23 and 24, he discusses predestination and condemnation. See: Wilhelm Hentrich, *Gregor von Valencia und der Molinismus* (Innsbruck: 1928). Hentrich, "Gregor von Valencia und die Erneuerung der deutschen Scholastik im 16. Jahrhundert,"

at his own doctrine before reading the *Concordia*, and tried like Molina to achieve a clear formulation of the interfunctional hermeneutics. His teaching can be summarized as follows.⁶⁰

In the first place, God's science of vision (*scientia visionis*) has already eternally known the natures and also the negative and positive actions of all men.

Secondly, because men are incapable of satisfying the offense made to the Supreme Being, God has sent them a Redeemer, predestining Christ for this matter.

Third, God, through his providence and as a result of the merits of Christ, had the desire to bestow all men with the sufficient, and often abundant, graces, with which all men could reach salvation through Christ. Also did he with antecedent will desire all men to be saved. God has the true will to save all men.

Fourth, one cannot say that in an absolute fashion, and even being in the state of grace, we have it in our hands to be predestined. Once posited, we have the power to achieve what has been eternally foreseen. Those whom God has chosen to end their lives in the state of grace due to their personal cooperation have been predestined to glory. He has done the same, however, with those who have not cooperated and, hence, they were justly condemned because of their sins.⁶¹

In this teaching a sort of transcendent teleology is generally endorsed (i.e. the absolute graciousness of predestination as a whole), but neither the cooperation of the predestined nor his deeds are the reasons or conditions or cause of predestination generally speaking. With this he agreed with Saint Thomas: God does not predestine some and others not because he foresees from eternity that they will cooperate with regard to glory and finally persevere, as if this cooperation is the reason, condition, or cause of predestination as a whole.

This immediate transcendent teleology coexists harmonically with the functional mediation, because Valencia asserts that God does not ordinarily predestine men to a future cooperation without some relation with his divine prescience or science of vision. The divine prescience takes into account the persevering future cooperation of the predestined. This

in *Philosophia perennis*, vol. I, ed. F.J. von Rintelen (Regensburg: 1930), 293–307. Hentrich, "War Gregor von Valencia prämolinit?" *Scholastik* 4 (1929): 91–106.

⁶⁰ Le Bachelet, *Prédestination et grâce efficace*, 14–22.

⁶¹ *Commentariorum theologicorum tomi quatuor*, I (1591), disp. I, q. 23, pars post. punct. IV.

cooperation, which is based upon the exercise of the free will backed by grace, is like the effect and the means of predestination to which all additional effects of predestination are related. God, therefore, ordinarily predestines all men who he foresees from eternity will cooperate with grace and persevere until the end.⁶²

In this case the divine decree and the prescience are related to each other as concomitant elements without consideration of anterior and posterior. The object of God's eternal and efficacious decree is the salvation of man and it contains predestination itself, which does precede logically the prescience of a future cooperation of the predestined, but this prescience is contained in the decree or it connects with it inseparably. This shows the unity of the entailed elements, which is proper of the functional mediation. Predestination is the act by which God's practical intelligence conceives from eternity the order or providential plan which would lead man to glory. The decree of salvation implies for men that they will reach the end in virtue of their cooperation with grace and their final perseverance.

Valencia's stance on the decree of predestination is also valid regarding condemnation. He assumes that God has an absolute prescience of the sins and the final impenitence of the condemned.

5. The Jesuit Leonard Lessius,⁶³ who knew Molina's work, maintained a similar view with the doctrine of predestination, which follows the

⁶² *Commentariorum theologicorum tomi quatuor*, I (1591), disp. I, q. 23, and 4, 2^a assertio.

⁶³ Le Bachelet, *Prédestination et grâce efficace*, I, 97–170. Leonard Lessius (1554–1623) was a famous professor at the University of Louvain (1585–1600). In 1610 he published in Antwerp a volume under the title: *De gratia efficaci, decretis divinis, libertate arbitrii et praescientia Dei conditionata, Disputatio Apologetica... Duae aliae eiusdem auctoris Disputationes: altera de Praedestinatione et Reprobatione Angelorum et hominum; altera de Praedestinatione Christi*. It included three studies. One of the objectives of *De gratia efficacy* was to vindicate efficient grace *ab extrinseco* in the same way developed by Molina as reaction to grace *ab intrinseco* by Báñez. The purpose was to safeguard creature's freedom, judging that efficient grace is, due to its relation with consent, concomitant with our cooperation. According to Lessius himself, this work was written one year after Molina's death. During the ongoing controversies *De auxiliis*, he was not able to edit it. His second study, *De praedestinatione et reprobatione*, opposed frontally the doctrine of those who saw a dependence of choice of from the divine will, absolutely and logically previous to the providence of the merits. The third study, *De praedestinatione Christi*, explores this issue further.

prevision of the merits and the universality of grace, published in his famous treatise *De gratia efficaci* (1610).⁶⁴

When this book arrived in Rome, the general of the Company, Aquaviva, personally expressed his concern to Lessius due to the arguments on predestination. Even the Jesuit Bellarmine initially thought that, for Lessius, predestination to glory depended on the foreseen merits, even though the predestination to efficacious grace, which is the infallible principle of salvation, stemmed from God's simple will. In the end he was convinced that, for Lessius, predestination depends simply and absolutely on the prevision of the deeds so that, properly speaking, there would only be prescience, but no predestination.⁶⁵ Bellarmine considers this theory inadmissible, since, for Lessius, there would be no distinction between the chosen and the condemned prior to the absolute providence merit and sin.

Bellarmino replies that there is gratuitous predetermination or choice previously to the providence of the merits, because God had already decreed giving the efficacious grace of justification and perseverance to some rather than to others.

Lessius in turn objects to Bellarmine that the criticism is not founded on his book: "I teach explicitly that no one merits his own predestination, not even *ex congruo*. Therefore, it does not depend absolutely on the providence of good deeds."⁶⁶ Here providence is taken as a whole, which, by its own nature, does not admit of the assumption of previous merit. Bellarmine had identified gratuitous predestination (which is a matter of faith) and predestination of glory (which is object to interpretation). Lessius approaches Molina, adopting the theory of choosing glory in virtue of the foreseen merits, within the framework of the interfunctional hermeneutics.

6. The Jesuit Gabriel Vázquez also endorsed an interfunctional hermeneutics.⁶⁷ His teaching can be found in his *Commentaria* to ques-

⁶⁴ Edmond M Van Eijl, "La controverse louvaniste autour de la grâce et du libre-arbitre à la fin du XVI^e siècle," in *L'augustinisme à l'ancienne faculté de théologie de Louvain*, ed. Mathijs Lamberigts and Leo Kenis (Leuven: 1994), 207–82. F. Claeys Bouuaert, "Les origines de la controverse théologique dite De Auxiliis divinae gratiae (1587–1588): Récit de ses origines par L. Lessius," *Ephemerides Theologicae Lovaniensis* 41 (1965): 548–60.

⁶⁵ Le Bachelet, *Prédestination et grâce efficace* I, 153.

⁶⁶ Le Bachelet, *Prédestination et grâce efficace* I, 187.

⁶⁷ Gabriel Vázquez (1549–1604) was professor in Rome (1586–90) and Alcalá.

tion 23 of the first part of *Summa theologiae*.⁶⁸ Predestination is explained in disputations 86–101, especially in 89, where he examines the question whether there is choice of glory previous to the predestination of the merits.⁶⁹

In principle, Vázquez seems to agree with those who defended the choice of glory in virtue of the corresponding merits and rejected formal predefinitions.⁷⁰

For Vázquez the efficient choice of glory is achieved when the supernatural merits have been foreseen (*ex meritis gratiae praevisis*); those merits are being conceived of as the cause or reason because of their relation to glory (*sequitur merita ipsa causam esse debere*, n. 84). This position contains four points.⁷¹

First, God has the will to save each and every man previous to the conditions one might have to obtain or lose salvation. Before foreseeing merit and sin this first and antecedent will to save everyone has nothing to do with God's particular will to save a certain number of privileged individuals.

Second, God bestows the glory as a reward (*ex meritis*). He desires it and prepares the reward, since the order of intention has to be congruent with the order of execution. Glory, then, is chosen in virtue of previous merits.

Thirdly, Vázquez rejects the previous and absolute choice of glory, but he agrees that before the absolute providence of the merits God distinguishes between those who deserve the graces. The common will to save requires God to desire that every individual has sufficient assistance and to desire it with the intention to save. But this will does not exclude the diversity of the prepared graces or that it has been especially benevolent, since God, in his external operations, always acts wisely and freely. In this sense "although the distinction between the predestined and the condemned does not originate in the previous will of bestowing on some the eternal life, it at least has a certain beginning before there is an absolute prevision of consent: it comes from God solely who due to the foreseen grace separates the man in the damned masses."⁷²

⁶⁸ Gabriel Vázquez, *Commentariorum ac disputationum in primam partem S. Thomae tomus primus* (Alcalá: 1598).

⁶⁹ *An electio ad beatitudinem praecederit praedestinationem meritum*. See Friedrich Stegmüller, *Zur Prädestinationslehre des jungen Vasquez* (Munster: 1935).

⁷⁰ Le Bachelet, *Bellarmin avant son cardinalat*, 194.

⁷¹ Le Bachelet, *Prédestination et grâce efficace* I, 7–14.

⁷² Gabriel Vázquez, *Commentariorum ac disputationum in primam partem S. Thomae tomus primus* (Alcalá: 1598), disp. 88, a. 13, n. 125. Vázquez, *Commentariorum ac disputationum in tertiam partem S. Thomae tomus primus* (Alcalá: 1611), disp. 23, c. 7, n. 89.

Four, Vázquez acknowledges that God predefines the good acts, that is to say, that he decrees their absolute existence not immediately and formally, but conditionally and virtually, thus desiring from eternity the cause (i.e. the graces and the cause of those effects of which he has infallible prescience).⁷³ This is his stance regarding the interfunctional hermeneutics.

3. *Previous Predestination: Suárez and Bellarmine*

1. In raising the question about the role the divine intellect plays in directing the distribution of the grace received by man and given by God, many Jesuit theologians agree with Molina that one has to recur to middle science in order to explain how God, when bestowing the graces, knows what he does and can do, without having to coerce man into an irresistible action.

When focusing on the divine will, which distributes the graces according to his judgment, the problem of predestination arises. This is where the theologians part ways, as will be shown.

The question which had become the object of dispute regarding predestination is the following—God's desire to save man implies the desire of three things which prepare for or constitute salvation: grace, the virtuous act, and glory. But in which order does he desire them? Which is the primary object that specifies the will in an absolute fashion? At this point two strands of Molinism arise:⁷⁴ the strict Molinism and the congruist Molinism.⁷⁵ Both preserve a fundamental piece of Molina's thought, namely that the chosen receives the grace to which he could not consent, but which God foresees he will consent.⁷⁶

2. According to the strict Molinism, God chooses those graces fully, because he absolutely desires the consent of man. This not only excludes the superior and extrinsic predeterminism of the divine decrees, but also the psychological and intrinsic predeterminism of grace. God does not fix

⁷³ Gabriel Vázquez, *Commentariorum ac disputationum in primam partem S. Thomae tomus primus* (Alcalá: 1598), disp. 98, c. 8.

⁷⁴ Friedrich Stegmüller, *Geschichte des Molinismus. I, Neue Molinaschriften* (Munster: 1935). Klaus Reinhardt, *Pedro Luis S.J. (1538–1602) und sein Verständnis der Kontingenz, Präscienz und Prädestination: ein Beitrag zur Frühgeschichte des Molinismus* (Munster: 1965). Agustín Arbeloa Egüés, *La doctrina de la predestinación y de la gracia eficaz en Juan Martínez de Ripalda* (Pamplona: 1950).

⁷⁵ Scorraile, III, c. 1, n. 2.

⁷⁶ Antonio Queral, *Libertad humana en Luis de Molina* (Granada: 1977).

man's fate without man himself. He leaves him with the real choice of his destiny, be it blissful or not, giving the means to those who want to make a right use of the divine gifts. According to Molina, God, looking at the glory, decrees to bestow on every man the graces, which can be unequal, but sufficient in number so that everyone could be saved. With the middle science he foresees each man's good and evil acts using his graces or resisting them. According to this prevision, he destines each man to glory or to condemnation which he has chosen freely. Therefore, predestination and condemnation somehow depend on the prevision of the merits and the sins. This is the central idea of the interfunctional hermeneutics regarding an integral theology. As we have seen, Toledo, Vázquez, and Lessius were close to this position.

3. Suárez's view is what we might call congruism.⁷⁷ For particular reasons God fixes previously what each chosen individual will do in time and what he will be in eternity. What he will do is predefined by the acts of virtue because of which God glorifies that creature. What he will be is the result of an antecedent predestination through which God chooses those who will be assigned a place in heaven.⁷⁸ Thus Suárez proposes a suprafunctional hermeneutics.

According to his explanations, God had chosen from eternity who will be part of his heavenly court and he fixed the degree of glory for each. In order to deserve it, he chooses accommodated graces for each chosen individual (i.e. congruent graces for that end), of which he grasps his consent with middle science. In virtue of this free consent man deserves what God's grace destined him to. The condemned ones, in turn, only receive the graces through which they could be saved, but of which God has foreseen that they would not be saved, thanks to sufficient, but not efficacious grace.⁷⁹ The efficiency of grace depends on man and, therefore,

⁷⁷ *Congruism* is inspired by Saint Augustine, *Ad Simplicianum*, I, q. 2, n. 13 (PL 40): "Verum est ergo: *Multi vocati, pauci electi*. Illi enim electi qui congruenter vocati, illi autem qui non congruebant neque contemperabantur vocationi non electi, quia non secuti quamvis vocati. Item verum est: *Non volentis neque currentis sed miserentis est Dei*, quia etiamsi multos vocet, eorum tamen miseretur quos ita vocat, quomodo eis vocari aptum est ut sequantur. Falsum est autem si quis dicit: Igitur non miserentis Dei sed volentis atque currentis est hominis, quia nullius Deus frustra miseretur. Cuius autem miseretur, sic eum vocat, quomodo scit ei congruere, ut vocantem non respuat."

⁷⁸ Le Bachelet, *Prédestination et grâce efficace* I, 45–53. See: Eleuterio Elorduy, *La predestinación en Suárez: controversias con Vázquez, Salas y Lesio* (Granada: 1947).

⁷⁹ In order to make grace and human freedom compatible, in the 16th century the distinction between sufficient and efficient grace came to be accepted. The historical turning

condemnation is the result of human action. This is the system of predestination and condemnation previous to the prevision of merit and sin: *ante praevisa merita*. According to the congruist Molinism, God has general reasons derived from his wisdom to bestow his grace. This only excludes the psychological and intrinsic predeterminism of grace, such as the one held by Báñez. Congruism has been endorsed by Bellarmine,⁸⁰ but also by the general of the order, Aquaviva.

Suárez really admits the antecedent predestination, which can be reduced to two points. (1) God determines and decides beforehand which virtuous acts he wants man to accomplish. (2) Then, guided by the prescience that knows what each man would do in any circumstance and with any grace, God chooses for man the graces that lead to the execution of such actions, because he foresees that effect; otherwise he would have chosen other graces. Since antecedent predestination would make the physical predetermination of Báñez more likely, Suárez insists that he has nothing to do with it. Besides, Suárez opposes those, like Vázquez, who sustain that man can be the meritorious cause for the choice of glory.⁸¹ Yet he favors a congruist position according to which predestination precedes our merits.⁸² Nevertheless Suárez thinks that the opinion regarding the consequent predestination is probable, although less probable than the one he defends.⁸³ The suprafunctional hermeneutics establishes a tighter order of the cognitive elements of predestination.

4. In the center of Suárez's suprafunctional hermeneutics are the notions of efficacious grace and the mode of predestination.

If the notion of efficacious grace is looked at from the point of view of God's will which prepares or bestows it, then the affective or volitive order would produce discrepancies within the Molinist camp, at least where the

point, however, was the Council of Trent, which led to the teaching that man, even after the Fall, preserved the faculty to assent to grace or to reject it. The theologian then began to examine more thoroughly the difference between sufficient and efficient grace, which gave rise to different explanations of efficient grace. Yet, what is sufficient grace? It is the divine assistance by which man is turned capable of realizing meritorious actions, independent of whether the effect is achieved or not. If that grace does not yield an effect due to the human will, then it is not efficient grace.

⁸⁰ Le Bachelet, *Prédestination et grâce efficace* I, 53–60. See: Manfred Biersack, *Initia Bellarminiana, die Prädestinationslehre bei Robert Bellarmin bis zu seinen Löwener Vorlesungen 1570–1576* (Stuttgart: 1989).

⁸¹ Letter of Francisco Suárez to P. General Aquaviva, Coimbra, 12 February 1600.

⁸² Francisco Suárez, *De Deo*, III, c. 23; V, c. 4, n. 8 (ed. Vivès, t. I, pp. 431–507, 599).

⁸³ Francisco Suárez, *De vera intelligentia auxilii efficacis*, c. 13 (ed. Vivès, t. X, p. 244).

efficacious grace in first act (*in actu primo*) is concerned, when put into opposition to the efficacious grace in second act (*in actu secundo*). This latter one is the same as the divine assistance that cooperates with the will regarding the act of salvation. The grace in first act, however, is the same as the divine assistance previous to the meritorious act, but compelled by God to be actualized.

Molina had not dealt with the efficacious grace in second act. Some Jesuits admonished that he had a partial and insufficient notion of efficacious grace. The differences became more notorious with the explanation of the first act of the efficacious grace, because the account given by some was closely related to the way in which each one understood the choice of glory and God's special love for each chosen individual.

The strict Molinists limited themselves to the divine science: God foresees infallibly that such assistance will really be efficacious. He prepares and bestows it wisely and voluntarily. This is the reason why it is a special gift.

Suárez thought that the previous—and for some privileged—choice of glory of some men is the reason for a special providence which can be identified with a certain part of predestination. The order of this special providence carries with it the idea of an affective connexion (i.e. love). This is also the origin of the notion of congruent grace (i.e. the assistance particularly apt for the needs of those who God wants to convert or to save), so that God knows how and when to intervene in order to attract our consent. It is a *concursus* stemming from divine wisdom and has the required aptitude to guarantee consent to be infallible, because of its relation with the individual's will.

Therefore the pivotal point of this problem is the distinction between sufficient and efficacious grace. What is sufficient grace and what power does it transmit? Does it constitute the first, proximate, and complete act of human action? Or is it necessary to posit, additionally to this grace, a different and new grace so that a meritorious act would follow?

The Molinists said that sufficient grace gives the power for an action, and does not need anything additional in order to achieve the meritorious act. But its omission would be exclusively the responsibility of human free action and not be the result of the lack of an active principle. Sufficient grace would not be such if it were not sufficient to produce an action.

But sufficient grace comes together with efficacious grace in the first act and it is infallibly conjoined with will's consent. Efficacious grace is, then, the one that achieves the effect; because of it the meritorious actions are done. It is true that the efficacious grace, which is connected to the

meritorious action, can be conceived of as in first act (previous to the nature of the actual consent, but already existing in an infallible connexion with the free action, which happens absolutely, i.e. with meritorious consent), or it can be thought of as in second act (that is to say conjoined with the will's actual consent, insofar as grace is conjoined in act with the meritorious act here and now).

It can be seen that, on the one hand, grace is efficacious in first act, previous to the free determination of the will. It is a grace that has to produce an effect and God already knows and desires it. On the other hand, however, will remains free, so that even when the motion of grace is assumed, it can avoid the meritorious act.

On the basis of those very principles Suárez rejects the idea that from human cooperation comes the efficacious grace in the first act, because the true notion of grace is inseparable from the special love of God, which is its principle.

Suárez states: "I start saying that the first act of the divine will, due to its relation to the salvation of man, has been the special love which has made him desire the salvation for the chosen ones with an absolute and efficacious will."⁸⁴ This previous and gratuitous decree influences glory, not in a general and indeterminate manner, but in a proper and fixed way for each one. In consequence, God, with the necessary means to achieve that end, predestines and predefines formally the free actions which will lead the chosen ones to a previously established degree of glory.

According to the same principle, the previous will to save some and discard others is for God a principle and rule of conduct for his choices and the distribution of grace: for the condemned it is simply sufficient grace, for the chosen efficacious grace. This is true to the point that, if *per impossibile* God foresaw the inefficiency of his assistance for the chosen, he should choose another form of assistance.

This theory of the election of glory and predestination contains the conception of efficacious grace in the first act as a means for God to achieve infallibly his absolute decrees. His assistance is always in a direct relation to love or a special affection as its principle and the firm will which tends to a predefined result. Suárez says as much in his explanation of congruent grace. God's vocation always proceeds from a particular choice or loving intention, by means of which he had decreed to give man faith

⁸⁴ Francisco Suarez, *De divina praedestinatione et reprobatione*, l. I, c. VIII, n. 32. (*Opera*, ed. Vivès, t. I, Tractatus secundus).

or penitence.⁸⁵ Suárez nevertheless recognizes that the contrary position is probable, because it does not denote anything impossible or anything similar to the Pelagian error.⁸⁶

5. A theory similar to the one defended by Suárez is Bellarmine's, who in principle supports Molina's *Concordia*, even though he deemed some expressions to be "obnoxious."⁸⁷ Molina, for instance, says: "God does not deny grace to the ones who act according to their natural powers." "Grace, in order to be efficacious, depends on the free will to whom it was given, for grace to which man consents is efficient."

Obedying an order given by Clement VIII, Bellarmine had to undertake a profound study of the *Concordia*.⁸⁸ In his study he suggests that the controversy regarding the mode of predestination is not as severe as it would seem at first sight.⁸⁹ Yet he judges Molina's explanation to be confusing and dark, when he states that the divine choice, given the science of what is possible, has the whole order of things for its object, thus relating to glory and a series of graces which precede glory. Despite this shortcoming, Molina preserves the essential elements of the traditional theories by Saint Augustine and Saint Thomas, because the last cause for the effect of predestination is the free and gratuitous will of God. But Molina could be criticized when establishing that the certainty of predestination resides in prescience alone.

Bellarmino agrees with Suárez's doctrine of the choice of glory, predestination, congruent grace, and, therefore, the efficacious grace in first act.⁹⁰ He is firmly convinced that Saint Augustine endorsed the gratuitous choice of glory. His stance can be summarized in four points.⁹¹

In the first place he rejects the thesis of a dependence of predestination on the means and not the end.

⁸⁵ "Nam huiusmodi vocatio ex parte Dei semper procedit ex peculiari electione et intentione, qua efficaciter decrevit dare tali homini fidem vel poenitentiam." Opusc. I, *De concursu et efficaci auxilio Dei*, l. III, c. 20, n. 10 (ed. Vivès, t. XI).

⁸⁶ Opusc. I, *De concursu et efficaci auxilio Dei*, l. III, c. 16, n. 8 (ed. Vivès, t. XI).

⁸⁷ Le Bachelet, *Bellarmino avant son cardinalat*, 292.

⁸⁸ *De novis controversiis inter Patres quosdam ex ordine Praedicatorum et P. Ludovicum Molina ex Societate Iesu* (1597), in *Auctarium Bellarminianum*, 101–13.

⁸⁹ *Auctarium Bellarminianum*, 109.

⁹⁰ *Roberti Bellarmini Disputationes: De controversiis christianae fidei*, t. IV *De Gratia et libero arbitrio*, l. II, c. 10 (*Opera Omnia*) (Colonia: 1617; Paris: 1870).

⁹¹ Le Bachelet, *Prédestination et grâce efficace* I, 153–71.

Secondly, he thinks the thesis of choice of glory *ex praevisione meritum* is false. Predestination is a choice of the efficacious grace, independent from any prevision of the merits.

Third, he suggests that the word “choice” has for the ancient authors the meaning of “choice of glory,” and therefore they could correctly admit that God can choose having in mind the foreseen merits (*ex praescientia meritum*). Hence, when Bellarmine acknowledges the distinction between choice of grace and choice of glory, he adds that the latter is not caused by man.

Fourth, efficacious grace is an inner, profound, and secret calling, which answers to the purpose of a firm will. This calling is efficient, because it is compatible with the character of those who will be led. “Because of this calling of a firm will, God makes us have faith and to convert, producing in us the desire and the action.”⁹²

4. *Outcome: A Twofold Harmony (Concordia)*

1. While Suárez and Bellarmine were teaching in the Roman College, the Jesuit general, Claudio Aquaviva, repeatedly expressed his wish to have unity and doctrinal certainty within the order. He prompted the redaction of a *Ratio Studiorum* under the inspiring guidance of the middle science, asking for unity with regard to Molina’s *Concordia*.⁹³ He also demanded not only to teach Molina’s middle science but also Suárez’s congruism with grace.⁹⁴ He therefore insisted on another kind of harmonization (i.e. harmony with Bellarmine’s and Suárez’s congruism).

Besides, in order to avoid any trace of an interpretation derived from Vázquez’s or Lessius’s functional mediation, the first edition of the *Ratio Studiorum* from 1586 included the two following propositions deemed as mandatory, which were derived from the *Summa theologiae* (I–II 1. 23 a. 5). The first said that “not only is there no reason, cause or condition from our part in predestination, but, in an absolute sense, we do not have any power over our own predestination; no one but the predestined are saved” (prop. 12). The second proposition added that “the original sin is the cause for condemnation and therefore man is allowed to recede from

⁹² *De doctrina sancti Augustini in materia gratiae* (1605), presented to Pope Paul V; cf. *Auctarium Bellarminianum*, 164–72.

⁹³ Le Bachelet, *Bellarmin avant son cardinalat*, 314.

⁹⁴ Letter from Aquaviva to Antonio de Padilla, rector of Salamanca, and to Cristóbal de los Cobos, 9 November 1610. In: Castell. *Ep. Gen.*

the ultimate end" (prop. 13).⁹⁵ The expression "because of the foreseen good deeds" is not mentioned. The limitations of this point have already been seen by Saint Thomas.

2. On 14 December 1613 Aquaviva published a binding decree in which he states that Jesuit teaching of predestination and grace has to follow what the order had established in the congregation "De Auxiliis." This doctrine on the efficacious grace of the first act contained three points.⁹⁶

First, there is a difference between sufficient and efficacious grace conceived of as previous to its result, even in its first act.

Secondly, this grace presupposes that God's absolute purpose to obtain the result and the use of the means ordered to that end.

Thirdly, morally speaking there is always more in the efficacious grace in first act than in the merely sufficient grace.

Worried about preserving the free action of creatures, Molina put his attention to the efficient grace regarding its end (human consent). Hence the difference between efficient and sufficient is based on the result or the effect; the efficient assistance consists that one whose consequence is the freely achieved conversion, independently from that assistance's intensity.⁹⁷ "If two men receive the same interior assistance from God containing the call of faith, then it can happen that, because of their use of freedom, one is converted and the other remains in the state of infidelity."⁹⁸ This would be a case of "foreseen grace."

Aquaviva even held that the difference between the efficient and the sufficient grace is not only regarding the effects—because the first is based on the consent of free will assisted by and the second is not achieved through consent—but there is also a difference previous to consent, because God absolutely desires the virtuous or meritorious act, choosing the corresponding efficient assistance of which he foresees its infallible efficiency.

⁹⁵ "12: Non solum ex parte nostra nulla fuit ratio seu conditio praedestinationis, sed neque absolute dicendum est esse in nostra potestate, ut praedestinemur; nec salvi fient ulli, nisi praedestinati." "13: Reprobationis, qua caeteri homines excidere ab ultimo fine permissi sunt, causa fuit peccatum originale." *Ratio atque institutio studiorum*, per sex Patres ad id iussu R. P. Praepositi Generalis deputatos, conscripta. Romae, in Collegio Societatis Iesu, anno, 1586, 14. Reprint in Pachtler, *Ratio Studiorum et Institutiones scholasticae Societatis Iesu per Germaniam olim vigentes*, t. II (Berlin: 1887), 34.

⁹⁶ Le Bachelet, *Prédestination et grâce efficace* I, 59–61, 126–27.

⁹⁷ "Illudque auxilium, sive maius sive minus in se sit, efficax dicitur, cum quo arbitrium pro sua libertate convertitur" (*Concordia*, q. 14, a. 13, disp. 38, and Antequam).

⁹⁸ *Concordia*, q. 14, a. 13, disp. 12, and Ex dictis patet.

3. Suárez and Bellarmine essentially agreed with Molina: they admit that the chosen is saved because he cooperated with grace even though he could not, and condemnation is the result of resisting an irresistible grace.

Yet Suárez defended that efficiency and harmony of grace with freedom is sufficiently explained, because God gives man a grace which he knows is coherent with man's consent with it. In order to explain the efficiency of a grace congruent with freedom, he points at the divine science regarding future contingents that anticipate any absolute divine decree (i.e. middle science). The efficiency of grace is, therefore, explained by means of a certain coherence or conformity of grace with the meritorious action. Bellarmine also defended this congruism.

Yet if strict Molinism accepts the consequent predestination (after having foreseen the merits) together with the virtual predefinitions, then congruism supports an antecedent predestination (before the merits have been foreseen), together with formal predefinitions.

For strict Molinism, God decrees absolutely that Peter has to be given his grace under this particular circumstance and he knows with middle science that it is proper of this man to accomplish this action, having the desire and the purpose for that man to accomplish this meritorious action. This decree is called virtual predefinition, since it is an absolute divine decree, which is immediately and formally directed at granting grace and it does so virtually regarding the realization of the virtuous act by means of that very grace.

According to Suárez's congruism, God decrees absolutely that Peter realizes this meritorious action because of that particular grace. By means of the middle science he knows that it is congruent with this man to accomplish this action (i.e. he knows it with objective science and he has an infallible epistemic connection with this action if grace were granted to this man under this particular circumstance). This decree is called formal predefinition, because it directly and formally is directed at the realization of the virtuous action.

Once this mode of the efficiency of grace in the first act is explained, freedom is guaranteed, because the will in itself does not receive anything, which would predetermine physically or morally with regard to the realization of the meritorious action. There is not even an absolute divine decree previous to the free predetermination of the will, which would compel it to act. It is rather that the will uses its freedom under the influence of grace, determining itself to that which grace had enticed it to be moved. Therefore,

efficacious grace compared with sufficient grace consists in that the first is a sort of congruence, which is extrinsic to grace itself.

It is clear that efficacious grace is a divine gift much worthier than sufficient grace. Efficacious grace does, therefore, encompass love and true divine predilection. The ultimate efficacious grace is the gift of final perseverance, the highest gift God bestows upon man.

Just as Suárez and Bellarmine identified an affection connection in grace, recent studies on predestination have focused their theological attention on the aspect of love and the infinite benevolence God shows man.⁹⁹

This is probably a more fertile path for approaching the transcendent teleology (i.e. of predestination), which is a metahistory whose pivotal idea does not merely consist in the reasons of reason.

⁹⁹ Antonio Pacios, *El amor y la predestinación* (Barcelona: 1979). Georg Kraus, *Vorherbestimmung: Traditionelle Prädestinationslehre im Licht gegenwärtiger Theologie* (Freiburg: 1977).

PART TWO

A RIGHTS-BASED THEORY OF LAW

RIGHTS AND *DOMINIUM*

Jörg Alejandro Tellkamp

I. INTRODUCTION

For the Jesuit Luis de Molina the notion of *dominium* is crucial not only to understand the development of a language of rights, mainly of property rights, but also to grasp the foundations of political power.¹ Those two seemingly unrelated issues are in fact derived from the concept of *dominium*. It is, then, the main purpose of this chapter to show how Molina arrives at an elaborate analysis of both topics in which the correlated notions of *dominium* and right (*ius*) help to justify various forms of property as well as of political power.

One of the most basic forms of *dominium* originates in the classical notion of fairness (*epikeia*) found in Aristotelian theories of commutative right, thus setting the stage for a detailed analysis of subjective rights in general and of property rights (*dominium proprietatis*) in particular. Political power (*dominium iurisdictionis*), in turn, is a further development of the very structure property rights are based upon. Since a lawful and just contract is one of the most important instruments in order to establish property, so must political power be based on contracts of sorts; this makes Molina a defender of an early version of a social and political contract.

In the present chapter I will proceed as follows. First I will trace the historic roots of *ius* and *dominium*, and secondly I will offer an approach to the notion of *ius*. Thirdly, I will give a general account of Molina's theory of *dominium* and then I will analyze the main notions of *dominium*: property (*dominium proprietatis*) and political power (*dominium iurisdictionis*).

The method chosen to analyze Luis de Molina's theory of right (*ius*) and *dominium* is rather orthodox. This means that I will primarily deal with the textual evidence and with the conclusions that can be derived from it. Molina's *De iustitia et iure* is a tough read, and garnishing it with hermeneutical guidelines alien to its structure and content could make the task of understanding it even more challenging. I will, therefore, follow the

¹ To avoid ambiguities, I will not translate the Latin expression *dominium*.

arguments basically in the order in which they appear. This proves useful, because Molina tends to derive more complex considerations from principles, definitions, and analysis given previously, so that, for instance, the complex notions of *dominium proprietatis* and *dominium iurisdictionis* can only be understood after a survey of the concepts of *ius* and *dominium*.

The concepts of right *ius* and *dominium* play a pivotal role in Luis de Molina's legal, political, and economic thought in the sense that it is imperative to locate the different kinds of relationships between human beings and their standing with the material world within a normative order so that every such relation emerges as a justifiable one and that it can, therefore, be the subject of praise or blame. In this respect the foundational significance of rights and *dominia* emerges in the very structure of Molina's monumental *De iustitia et iure*.² In the first treatise of Book I, he clarifies the meaning of *ius*, and then, in the second treatise, he presents an outline of his theory of *dominium*.

For him there are two fundamental and related ways to account for rightful relationships between human beings: one refers to the political dimension, according to which the relation between a government and its subjects can be characterized as jurisdictional *dominium*; it encompasses the legal and moral reasons someone can have to exert politically and legally binding powers. Molina, however, reduces this form of political *dominium* to what he calls *dominium* of property, which includes notions such as private property and usufruct among others. It is his conviction that *dominium proprietatis* is the fundamental form of *dominium*, because questions about jurisdiction and justification of political power are always preceded by clarifications regarding the basic rightful relations between human beings. Molina's rich and intricate discussion, reception, and eventual criticism of various accounts of *dominium* offers, in the context of his *De iustitia et iure*, an insight into changing legal, moral, and political ideas.

The notion of *dominium* has been a widely discussed topic in medieval and 16th-century scholasticism, for which there were two fundamental reasons. The first consists in establishing the framework according to which human beings, after the Fall, came to be moral agents in such a way as to avoid conflicts with one another. Since original sin is thought to be

² The first volume of *De iustitia and iure*, which comprises the sections on *ius* and *dominium*, was published for the first time in Cuenca 1593. For the present study I have used the following edition: Luis de Molina, *De iustitia et iure tractatus*, vol. 1 (Venice: 1611).

the cause of the *divisio rerum* (i.e. the basic forms of private property), there has secondly to be room for discussions about the rules that apply to it, thus solving the question about rightful ownership of objects and people.³ But what makes an act of passing ownership from one person to another (*translatio*) legal and legitimate? The answer to this question requires an analysis of the notions of right and justice (*iustitia*).

Another important issue, related to those questions, belongs to the realm of political power. On which grounds can someone exert a power on someone else as to be called his *dominus*? Why can a ruler be *dominus* of his subjects? It will become clear that for Molina the questions about the transference and legitimation of *dominium iurisdictionis* arise in an analogous fashion to the acquisition and transference of property.

II. THE HISTORICAL CONTEXT

What is *dominium*? In a work published in 1652, the Jesuit cardinal John of Lugo (1583–1660), having in mind Molina's account, gives a brief summary of what that concept amounts to. He states that:

Dominium is twofold: of jurisdiction and of property. *Dominium* of jurisdiction is the power to govern the subjects, i.e. to prescribe, reject, allow, judge, punish, reward etc. This faculty often springs from *dominium* of property or from the consensus of the subjects when they transfer this faculty to a superior. *Dominium* of property is the most notable and powerful kind of right *in re*, and it is usually defined in many ways.⁴

This is a very succinct summary of a long history that leads to the thesis that *dominium* is (a) a kind of right regarding things, (b) that it establishes the grounds for ownership (*dominium proprietatis*), and (c) that *dominium* thus conceived is the ground for political power (*dominium iurisdictionis*).

³ It has to be noted that the concept of object comprises not only material things but also animals and human beings. But it notably does also point at the forms in which someone can validate a claim regarding a certain state of affairs, such as usufruct, lending, selling etc.

⁴ John of Lugo, *Disputationum de iustitia et iure, tomus primus, hoc est, de rerum dominio, de obligatione* (Lyons: 1652), 20a: "Dominium est duplex, scilicet iurisdictionis, et proprietatis. Dominium iurisdictionis est potestas gubernandi subditos, hoc est, praecipendi, vetandi, permittendi, iudicandi, puniendi, praemiandi, etc. Haec autem facultas oritur saepe ex dominio proprietatis, vel ex consensu subditorum transferentium illam facultatem in aliquem superiorem. Dominium proprietatis est praecipua, et potissima species iuris in re, et solet multipliciter definiri."

Historically there are several points of departure for Molina. As for most theologians in 16th-century Spain and Portugal, Thomas Aquinas is the unavoidable point of departure,⁵ although it might be noted that he explicitly sought to distance himself from Aquinas in a more radical fashion than his Salmantine colleagues—Domingo de Soto, whom he often criticizes, being the most prominent of these.⁶

In Roman law *dominium* seems to be identified with ownership in the sense that “it denotes full legal power over a corporeal thing, the right of the owner to use it, to take proceeds therefrom, and to dispose of it freely.”⁷ This brief characterization leaves, however, room for interpretation. In the 14th century the glossator Bartolus de Sassoferrato (c.1313–57) famously reached a broader definition of *dominium* that encompasses ownership, but which departs from the idea that *dominium* has to be conceived exclusively as a right that someone has regarding something, arriving at the distinction of *dominium utile* and *dominium directum*.⁸ In short, Bartolus gives a very general definition of *dominium*: “What, then, is *dominium*? I answer: it is the right to completely manage a corporeal thing, unless the law forbids it.”⁹ The aspect that might be highlighted is not only the fact that Bartolus identifies *dominium* and *ius*, but that he endows it with an active meaning, that is, to manage something completely or to have it at his or her disposition. There is an undeniable voluntaristic feel to this definition.

Another influential definition, which in some sense gives an intellectualistic alternative to the one presented by Bartolus, is Jean Gerson's (1363–1429), who distinguishes three kinds of *dominia*: (1) the evangelical, (2) the natural, and (3) the human.¹⁰ For our present discussion the relevant sort of *dominium* is the last one, which Gerson defines as follows:

⁵ See Richard Tuck, *Philosophy and Government 1572–1651* (Cambridge: 1993), 139. In a letter Molina did in fact explain to Aquaviva that the treatment of restitution and the connecting issues of justice “estava por los theologos y principalmente Thomas de Aquino muy cortamente tratada la materia de justicia...” Quoted from Frank Costello, *The Political Philosophy of Luis de Molina* (Rome: 1974), 16, n. 53. Those are indeed harsh words on one of the most prominent theorists on justice.

⁶ See Luis de Molina, *De iustitia et iure*, 1, II, 3 (Venice: 1611), col. 31B.

⁷ Adolf Berger, *Encyclopedic Dictionary of Roman Law* (Philadelphia: 1953), 441.

⁸ For more on the interpretations of the glossators of Roman law see Hermann Lange, *Römisches Recht im Mittelalter, Band I: Die Glossatoren* (Munich: 1997), 106ss.

⁹ Bartolus of Sassoferrato, *Super prima parte digesti veteris* (Venice: 1520), 92rb: “Quid ergo est dominium? Responde; est ius de re corporali perfecte disponendi, nisi lege prohibeatur.”

¹⁰ Jean Gerson, “De vita spiritali animae,” in *Oeuvres complètes, vol. 3: L'oeuvre magistrale* (87–105), ed. P. Glorieux (Paris et al.: 1962), 144.

"Human *dominium* is the adjacent power to take foreign things either into one's own command as if they were foreign or to use them according to political rules or human civil laws."¹¹ So far, this definition does not seem to differ from that of Bartolus. Yet Gerson puts special emphasis on the criteria according to which rules or rights are binding. And in this respect the notion of right (*iūs*) comes to the forefront: "Right is the adjacent means or power that is suitable for someone according to the command of reason."¹²

It was, however, Conrad Summenhart (c.1458–1502) who gave a more profound account of *dominium*.¹³ At the very beginning of his *Opus septipartitum de contractibus* he underscores the view that Gerson's definition of *dominium* is the correct one, based on the presupposition that a right is a power or faculty someone can exert in accordance with right reason. Hence *dominium* has to be understood as: "the adjacent power or faculty to take things into someone's command or licit use according to reasonably instituted rights or laws."¹⁴ With both statements Summenhart not only accepts that rationality is the foundational criterion for any kind of right, but he also establishes an intricate relationship, bordering on identity, between right and *dominium*.

The reason for this close relationship consists in the need to define the meaning of *iūs*, which can be understood in two ways. (a) *Iūs* is identical with the notion of law (*lex*) so that it may entail objectively valid and enforceable precepts. In this sense right implies the material content of such a precept, such as the ones established by canon law or different trade regulations. (b) The second meaning of *iūs*, however, emphasizes the active character of rights, because generally speaking they are

¹¹ Jean Gerson, *De vita spirituali animae*, 144: "Dominium humanum est potestas propinqua assumendi res alias aut tamquam alias in sui facultatem aut usum secundum regulas politicas et civiles juris humani."

¹² Jean Gerson, *De vita spirituali animae*, 141: "...Jus est facultas seu potestas propinqua conveniens alicui secundum dictamen rationis."

¹³ See Helmut Feld (ed.), *Conradi Summenhart Opera Omnia*, vol. 1: *Tractatus theologici et canonistici* (Mainz: 2004), IX–XIII. For a thorough discussion on right and *dominium* in Summenhart see Jussi Varkemaa, *Conrad Summenhart's Theory of Individual Rights* (Leiden: 2012), 61–248. Also by the same author "Medieval Ideas on Individual Sovereignty in Summenhart's *Opus Septipartitum*," *Studia Theologica—Nordic Journal of Theology* 53 (1999): 58–68.

¹⁴ See the complete quotation in Conrad Summenhart, *Tractatus de contractibus licitis, atque illicitis* (Venice: 1580), 1a: "Ius est potestas vel facultas propinqua conveniens alicui secundum dictamen rectae rationis. Dominium autem est potestas vel facultas propinqua assumendi res alias in sui facultate vel usum licitum secundum iura vel leges rationabiliter institutas."

faculties or powers regarding a state of affairs someone is entitled to. The father, for instance, has a right over his son and, therefore, he exerts a *dominium* over him. For this reason, concludes Summenhart, such a right, thus understood, is the same as *dominium*, because *formaliter* having a right regarding a thing is identical with having a *dominium* over it.¹⁵

Therefore, whatever is predicated of a right can also be said of a *dominium*. Yet the identification of *ius* and *dominium* has to be properly understood, because *dominium* introduces an aspect absent in *ius*: it denotes a hierarchically structured set of relationships.¹⁶ In this sense the father may be considered the son's *dominus*, but the same does not hold of the son with respect to his father, even though both have rights regarding each other. The father's *superioritas* of *dominium* is due to the fact that both correlates—father and son—do not belong, as it were, to the same order. Due to his imperfect rationality, the son has to be thought of as inferior to his father and consequently the father is his *dominus*.

A relationship derived from another type of hierarchy would be property. In order to legally as well as morally be the owner of something it is necessary (a) to display the active use of reason as, for example, in an adult. However, rationality, despite being a necessary condition for the exercise of *dominium*, is not a sufficient condition. (b) To provide for such a sufficient condition the hierarchical structure just mentioned has to be taken into account. It is thus impossible for members belonging to the same “ontological order” to be subordinated to one another regarding the same attributes. A father can have rights and *dominia* over his son, but the same cannot be said of one father regarding another father, because both are fathers. Inversely, the son can have rights regarding his father and, for instance, demand whatever is necessary to survive (food, clothing, shelter etc.), but he is not the father's *dominus*. This asymmetry seems to imply that the scope of *dominium* is not quite as broad as that of right.¹⁷

¹⁵ Summenhart, *Tractatus de contractibus*, 1a “... Capiendo ius secundo modo est idem quod dominium, et vere et universaliter predicatur de dominio sic quod omne dominium est ius secundo modo... Probatur dupliciter. Primo quod aliquem esse dominium alicuius rei est formaliter eum habere ius in illa re vel in illam rem; igitur dominium est ius: tenet consequentia a coniugatis. Secundo probatur quod diffinitio iuris secundo modo capti convenit formaliter dominio...”

¹⁶ Summenhart, *Tractatus de contractibus*, 1b: “Nam appropriate capiendo dominium connotat ultra rationem iuris etiam superioritatem, eo quod dominus est relativum suppositionis.”

¹⁷ Summenhart, *Tractatus de contractibus*, 1b: “Dominium etiam loquendo de civili dominio, esset minus commune quam ius, etiam de civili iure loquendo...” As will be

One might say that Summenhart sustains a theory of active rights, insofar as he states that "... to the extent that someone has a right or a *dominium* in a thing (*in rem*), he is allowed to exert an action regarding that thing (*circa rem*)."¹⁸ This, of course, is not a new idea, since Bartolus and Gerson have already defined right as a faculty or power to take something, given that this occurs according to established laws and moral norms. Summenhart, however, establishes a stronger relationship between right and *dominium* than his predecessors. Like Gerson he thinks that the foundation that enables us to talk about rights and *dominia* is the same: right reason (*recta ratio*). Not only is it necessary to suppose that the subject of a right is rational but also that the underlying normative structure is established according to rational criteria, which is what Summenhart calls first justice. What *recta ratio* means can be understood in two ways:

Right reason is either understood as that kind of right reason that in the first place is originally and essentially right, and which, thus, is the same as the first justice... Right reason is also generally understood with respect to that kind of right reason that either is right reason essentially as the one that exists in God or it is [right] through participation as the one found in the rational creature.¹⁹

Whenever he analyzes *ius* and *dominium*, Summenhart seems to adopt this second model (i.e. participation in right reason). This model is, it seems, the prevailing one in Spanish scholasticism and, therefore, in Molina. God, as the origin of all of creation, exercises perfect *dominium* over it, because (a) he is rational and because (b) he is ontologically superior to his creation. At the same time, God establishes the normative order inherent to creation, which has to be considered as good, just because God established it.²⁰ In the order of created reality, the human

shown below, Molina thinks that the opposite is the case in the sense that *dominium* sets the basis for rights.

¹⁸ Summenhart, *Tractatus de contractibus*, 4a: "Unde tantum quisque habet iuris, vel dominii in aliquam rem, quantum actionis licet sibi exercere circa rem."

¹⁹ Summenhart, *Tractatus de contractibus*, 1b: "Recta ratio accipitur vel pro ea recta ratione que primo originaliter et essentialiter est recta, et tunc idem est quod prima iustitia... aut recta ratio accipitur generaliter ad rationem rectam sive illa sit recta ratio essentialiter qualis est in solo deo, sive participative qualis reperitur in creaturis rationabilis."

²⁰ Summenhart, *Tractatus de contractibus*, 22b: "...Dominium conveniens Deo in creaturas convenit ei secundum dictamen rectae rationis. Recta enim ratio dictat, quod Deus debeat habere facultatem assumendi res creatas secundum suam volitionem, quae est prima iustitia, et quae est dictamen rectae rationis. Non tamen sic intelligendo, quod Deus alicui legi superiori subsit, sibi concedenti illud dominium, sed illud inexistens sibi

being resembles God, because he was created to his image, which in turn means that every human being is, actively or potentially, rational and that he or she participates in the normative order given by right reason.

Right reason is mirrored in human reason and what arises from it is called natural law, the purpose of which it is to regulate social relations, such as *dominia*, that were generated after the original sin.²¹ Reason, and not just the command-like structure of precepts, is what makes social relations just. It will be clear that Molina considers both stances as compatible in the sense that *ius* not only indicates what is just qua law-like order but also because justice has to be seen within the context of right reason. In sum, the three following points from the juridical tradition can be highlighted.

1. *Dominium* is a form of right, but inversely not every right is a *dominium*.
2. This right has noticeably an active meaning: it is a power or faculty.
3. It can be located within a normative order in the sense that it has to respond to the question regarding its legitimacy or, at least, its legality; it has to follow right reason.

III. RIGHT AND DOMINIUM IN LUIS DE MOLINA'S *DE IUSTITIA ET IURE*

From the outset, it seems clear that Molina, at least nominally, follows the wording of Book I, 1 of the *Instituta*, which bears the title *De iustitia et iure*.²² But so did other authors, such as Domingo de Soto, Domingo Bañez, and the Jesuit Leonard Lessius.²³ The titles of their works are virtually identical, suggesting that a literary genre of its own existed. But this suspicion belies the fact that there are significant differences in the architecture of their works. Whereas Soto begins his *De iustitia et iure* as

dominium lex naturae approbat et dictat sibi debere convenire, non secundus, non tertius, quia dominia creaturarum irrationabilium, insensibilium, et demonum reducuntur ad secundum membrum, quia ratione donorum naturalium eis convenient."

²¹ Summenhart, *Tractatus de contractibus*, 35b: "Quod recta ratio naturalis in lumine suo naturali dictat: hoc est lex naturalis. Sed recta ratio dictat hoc complexum, scilicet hominibus pro statu naturae corruptae sunt res appropriandae et non reliquendae communes omnibus; igitur illud complexum est lex naturalis: sed illud complexum disponit distinctionem dominiorum; igitur distinctio dominiorum est a lege naturali."

²² See Theodor Mommsen (ed.), *Corpus Iuris Civilis*, vol. 1: *Institutiones* (Berlin: 1889), 1.

²³ See Domingo de Soto, *De iustitia, et iure, libri decem*, 5 vols. (Salamanca: 1556); Domingo Bañez, *De iure et iustitia decisiones* (Salamanca: 1594) and Leonard Lessius, *De iustitia et iure libri quattuor*, 6th ed. (Antwerp: 1626).

a gloss on Thomas Aquinas's *Prima Secundae* question 90, Bañez initiates with question 57—on justice—of the *Secunda Secundae*. Displaying a different approach, Lessius starts with thoughts about prudence, before expounding his views on justice and *dominium*. Molina himself, although mentioning in the *proemium* that very same question 57 of the *Secunda Secundae*, sets himself apart from Soto and Bañez, which can clearly be seen in that his *De iustitia et iure* is neither a commentary nor a gloss on Aquinas, but is designed to go beyond the *Summa theologiae*.

IV. APPROACHING JUSTICE AND RIGHT

Molina's theory of rights, justice, and *dominium* rests on the conviction that it only makes sense to talk about them when two main aspects are taken into account: (1) rationality and (2) free will.

1. In agreement with the Aristotelian tradition Molina thinks that every human being is a rational being. When it comes to the formulation of rights, natural as well as positive, only rational beings can explain why certain rights apply to them. Being rational, and therefore having the power to articulate claims, seems to be a straightforward assertion about the scope of rights: only those beings can be bearer of rights if they are rational. Yet this claim is in need of further clarification. Molina thinks that reason is ontologically required and not just to the extent that it can be used actively. Infants can therefore be the bearers of rights, because they already are rational in the fundamental ontological sense, although they might not have reached the point where they are able to use it actively. This insight is significant, because it allows, for instance, for clear guidelines that would explain how an infant could inherit properties and exercise a *dominium*. *Dominium* of property as well as politics, together with the notion of right, are derived from human nature.²⁴ A consequence of setting rationality as a rigid criterion for rights and *dominium* is that nonrational creatures cannot be seen as bearers of rights and hence of *dominium*. A dog would not, as it were, be the owner of the bone it eats.

²⁴ Wilhelm Weber, *Wirtschaftsethik am Vorabend des Liberalismus: Höhepunkt und Abschluss der scholastischen Wirtschaftsbetrachtung durch Ludwig Molina S.J.* (Münster: 1959), 69.

2. Not only is rationality a naturally given property that all human beings share but it also has to be assumed that man is free: "Due to natural right all men were born free."²⁵ Social differences and hence limitations to personal freedom only appeared after the fall from grace, being a consequence of *ius gentium*. This limitation facilitates, for instance, the subjection of human beings by other human beings. The case of slavery as a form of *dominium* will be discussed below. The main reason why free will has to be taken into consideration is the traditional argument that otherwise praise and blame could not be applied to human actions.

Yet when it is said that rights and *dominia* are the result of human nature and of natural rights, it has to be borne in mind that for Molina the morally correct use of reason became necessary after mankind fell from grace.²⁶ As a fact given by natural right *in statu innocentiae* there was common *dominium*. Rights and *dominia* describe how human beings interact given the fact that original sin required solid criteria that would allow for an orderly exchange of goods and actions. This is where the concept of right reason (*recta ratio*), as opposed to reason *tout court*, is introduced into the discussion. Although Molina does not present a thorough account of *recta ratio* at the beginning of *De iustitia et iure*, it can be inferred that he means to say that reason is right when it corresponds to an objective normative order such as the one that can be found in natural rights. In this respect the term *ius* is pivotal, but what does it amount to? What makes a right a right? A close examination of the initial chapters of *De iustitia et iure* should shed some light on Molina's theory of rights.

Just as in the case of *ius*, Molina emphatically states that justice has various meanings, two of which have to be underlined: (a) it refers to whatever act of virtue whose object is the common good of the "multitude."²⁷ (b) Justice "emanates from man,"²⁸ not only insofar as he deals with personal issues within the household (*prudencia monastica, quae praescribit in singulari*) but also to the extent that he understands himself as being a part of the *Respublica*, whose natural aim is the common good. In this respect, both meanings end up signifying the same: justice comprises the virtue of prudence in a socially and politically relevant sense, which aims at the common good of the republic. Since the virtues are built upon the

²⁵ Luis de Molina, *De iustitia et iure*, vol. 1, II, 4, col. 11D: "...Iure naturali omnes homines nasciturus fuisse liberos."

²⁶ Luis de Molina, *De iustitia et iure*, vol. 1, II, 4, col. 11C.

²⁷ Luis de Molina, *De iustitia et iure*, vol. 1, I, 1, col. 2A–B and 4A.

²⁸ Luis de Molina, *De iustitia et iure*, vol. 1, I, 1, col. 2B.

acquisition of moral habits, it is not only the prince or the government that has to be virtuous but also each and every citizen who equally are part of the republic.²⁹ In this sense, whatever is right in the light of the virtue of prudence can be considered politically legitimate and, therefore, as in agreement with the law.³⁰

The characterization of justice in terms of prudence already indicates that its basic content is moral in nature and in this respect it applies to the realm of personal rights as well as to the political dealings of the ruler.³¹ But not only has every right to be exercised according to justice qua prudence but it also has to be based upon the action's right intention. Therefore, even if an action was done according to justice, it would not be just if the agent did not think he did it for the right reasons and the right purpose. This idea of linking the general criteria of prudence with individual intentions underscores Molina's conviction that *ius* and justice encompass the observable aspects of justice, insofar as it is a socially relevant virtue that establishes the reasonable grounds on which people interact, including the inner, psychological dimension of moral choices in the light of right reason.³²

The argument that locates the fundament of justice within the realm of moral virtues consists in that all peoples act according to normative law-like guidelines that, nevertheless, are not identical with written law. Therefore it can be said that the normative content of any law can be reduced to the moral certitude of conscience.³³ This seems to mean that each and every human being, in virtue of his or her naturally endowed rationality and conscience alone, is able to discern those morally valid guidelines that constitute a law.

Certainly, at first glance it looks as if Molina was trying to establish a sort of transcendent basis for justice of the sort we find in Aquinas's characterization of natural law as the participation of human reason in eternal law. Instead, he draws the notion of justice closer to *ius gentium*, locating it therefore in that part of rational agents that allows for a natural

²⁹ Luis de Molina, *De iustitia et iure*, vol. 1, I, 1, col. 3B–D.

³⁰ Luis de Molina, *De iustitia et iure*, vol. 1, I, 1, col. 3C: "Obiectum illius esse iustum . . . est idem quod legitimum, hoc est, quod lege est praeceptum, legive consonat . . ."

³¹ Luis de Molina, *De iustitia et iure*, vol. 1, I, 1, col. 3D.

³² Luis de Molina, *De iustitia et iure*, vol. 1, I, 2, col. 7D.

³³ Luis de Molina, *De iustitia et iure*, vol. 1, I, 1, col. 4C: "Cum enim omnes gentes, quae legem (scriptam) non habent, naturaliter ea, quae legis sunt faciunt, eiusmodi legem non habentes, ipsi sibi sunt lex, sui ostendunt opus legis scriptum in cordibus suis, testimonium reddente illis conscientia ipsorum."

distinction of what is good and just: conscience, or, as he also says, the law engraved in the hearts of rational agents. It is a case of the right will (*rectitudo voluntatis*) done for its own sake.³⁴

It is due to the shift of justice qua virtue of prudence into the inner sphere of rational agents that Molina thinks that justice can only be served when the agent also has *in corde suo* the right reasons to act; and, therefore, from the point of view of eternal salvation, only those agents will be saved, whose actions are morally good as a whole.³⁵ Divine grace and charity will not be bestowed upon an agent, if his or her actions were not congruent with God's general norms.

But if we ought to look for a definition of justice that goes beyond those abstract characterizations, it is necessary to focus on its proper content. In this respect Molina distinguishes two aspects: (a) that what makes justice just and (b) its force (*vis*). In the first case Molina simply states that what is just has to be equitable or fair (*aequum*): "Just' understood in its proper meaning is the same as fairness..."³⁶ *Ius* is, hence, the object of *iustitia*, suggesting that he endorses some sort of objective rights theory. This is another way of saying that justice has a proper object identified with right and fairness, and with this Molina emphasizes on the criteria that establish grounds for an impartial exchange of actions and goods.

Justice, fairness, and right are notions that seem to refer to one another. Not only has justice to be fair—right also ought to be just. This is another way of saying, by quoting Ulpian, that *ius* is the art of what is good and fair.³⁷ Each term, then, entails the other.

Yet when it comes to expound the meaning of *ius*, Molina offers no clear-cut definition, for he flatly states that it is an equivocal term.³⁸ However there are two basic meanings of it: (1) *ius* refers to what is just (i.e. it points at the common good as well as at prudence). Interestingly, this is exactly the way Molina initially characterized the notion of justice. (2) *Ius* also

³⁴ Luis de Molina, *De iustitia et iure*, vol. 1, I, 1, col. 4D, where he is citing Anselm's *De veritate* Chapter 23.

³⁵ For this reason Molina cites the famous passage of Ps.-Dionysius's *De divinis nominibus*; see Luis de Molina, *De iustitia et iure*, vol. 1, I, 1, col. 5B: "... Bonum ex integra causa sit, malum autem ex particularibus defectibus..."

³⁶ Luis de Molina, *De iustitia et iure*, vol. 1, I, 2, col. 5C.

³⁷ Luis de Molina, *De iustitia et iure*, vol. 1, I, 2, col. 6A.

³⁸ Luis de Molina, *De iustitia et iure*, vol. 1, I, 2, col. 6B: "Ius autem est dictum, quia justum est..." See also *ibid.*, col. 5D: "Animadvertendum est, vocabulum, ius, aequivocum esse."

signifies law (*lex*), whereby it can be understood as being positive as well as natural law.³⁹

1. Right is described as prudence and therefore as belonging to justice. In this respect Molina understands *ius* in a broad (*late*) and in a strict (*presse*) sense.⁴⁰ When taken in its broad sense, it refers to what is legitimate (*legitimum*) insofar as it is consistent with right reason and law. Whatever occurs within the general framework of reason is also lawful and what is law has to be rational. Reason and law, therefore, are concepts that imply each other. When *ius* signifies justice in its narrow sense, it establishes the criteria by which any given action follows the rules of fairness, and this way justice is coextensive with the virtue of prudence.⁴¹ Reminiscent of the very beginning of the *Instituta*, Molina states that justice is, then, “the constant and permanent will to give everyone his (or her) right.”⁴²

This classic definition is, of course, of the utmost importance for Molina’s view on what rights are, because he not only thinks that a right has to be correct in the light of right reason but it also has to point at the capacity (*voluntas*) a bearer of rights has regarding an object. This conjunction of reason and will leads Molina to explore the basic meaning of *ius* as a power or faculty; he does so by examining the equally classic distinction of *ius in re* and *ius ad rem*.

In recent decades it was Richard Tuck who stressed the active meaning of rights in highlighting the notion of *ius ad rem*. He says: “The notion of a *ius ad rem* . . . obviously followed from the idea of a *ius* as a claim. Many people have claims on something which they do not yet possess . . .”⁴³ In this sense exercising a *ius ad rem* is a sort of claim and thus resembles a basic notion of subjective right. But Tuck’s stance has had its detractors, with Brian Tierney being his most outspoken critic. Tierney argues that the history of *ius ad rem* does not grant such a reading, because it has to be seen in the context of the distinction between *ius in re* and *ius ad rem*, which is derived from Roman law and which thus leads to an

³⁹ Luis de Molina, *De iustitia et iure*, vol. 1, I, 2, col. 6A–B.

⁴⁰ Luis de Molina, *De iustitia et iure*, vol. 1, I, 2, col. 6C.

⁴¹ Ibid.

⁴² Luis de Molina, *De iustitia et iure*, vol. 1, I, 2, col. 6D.

⁴³ See Richard Tuck, *Natural Rights Theories: Their Origin and Development* (Cambridge: 1979), 14.

interpretation that sees rights as objective.⁴⁴ But what does Molina say on this issue?

Ius in re, in my judgment, cannot more adequately be defined as when we say [that] it is a right regarding a thing (*circa rem*), which has already been obtained. In contrast, *ius ad rem* is a right regarding a thing that has not yet been obtained. Insofar as the thing has been obtained or [insofar as it has] not been obtained it corresponds to a right that relates to it and it depends to a great degree on human right, by means of a positive disposition . . .⁴⁵

The main distinction between both forms of rights—*ad rem* and *in re*—is not whether one is active and the other is not, but only if it relates to an object already obtained or not. It seems, then, that *ius ad rem* is inferior to *ius in re*, because the latter labels a real and effective relationship with a corporeal or an incorporeal thing. In contrast *iura ad rem* describe kinds of *dominia* which do not contain a real relation between an object and the bearer of rights as, for instance, when someone cannot claim a right over something, but only over certain aspects that are derived from it, such as mortgages, leases, and so on.⁴⁶ In this respect the right regarding a thing that has not yet been obtained is like the claim regarding the fruit growing on trees of a leased orchard under the assumption that the fruit have not yet grown. This is an instance of *ius ad rem*. In contrast, the right over fruit that already exist would be a case of *ius in re*.⁴⁷ Both types of *iura* seem to be equally active or passive, and their only difference

⁴⁴ Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law 1150–1625* (Atlanta: 1997), 220.

⁴⁵ Luis de Molina, *De iustitia et iure*, vol. 1, II, 2, col. 26D: “Ius in re, tenui meo iudicio, non aliter potest commodius definiri, quam si dicamus. Est ius circa rem aliquam, ad quod res ipsa devincta est. Ius vero ad rem, est ius circa rem aliquam, ad quos res ipsa nondum est devincta. Porro rem devinctam, aut non devinctam esse iuri quod circa illam habetur, multum pendet ex iuris humani, positiveve dispositione . . .”

⁴⁶ Luis de Molina, *De iustitia et iure*, vol. 1, II, 2, col. 27. See also the very useful synthesis of this distinction in Robert Joseph Pothier, *Oeuvres*, 10 (Paris: 1821), 1: “Le jus in re est le droit que nous avons dans une chose, par lequel elle nous appartient, au moins à certains égards. Le jus ad rem est le droit que nous avons, non dans la chose, mais seulement par rapport à la chose, contre la personne qui a contracté envers nous l’obligation de nous la donner.”

⁴⁷ Luis de Molina, *De iustitia et iure*, vol. 1, II, 2, col. 27C: “Eodem modo ius, quod quis habet ad fruendum re sua, hoc est, ad percipiendum ex ea fructus, est ius in re, si conferatur cum re, cuius fructus debet percipere; eo quod illa ad id ipsi sit devincta: si tamen conferatur cum eis fructibus, ad quos percipiendos ius habet, qui iam existant, habet etiam ius in re, quia eo ipso, quod fructus existunt, dominium eorum comparat: si vero cum eis, qui nondum, solum habet ius ad rem, hoc est, ad illos percipiendos, si existerint: non vero ius in re, eo quod in re, quae non nondum existit, nequeat esse ius, quasi ad illud sit res iam devincta.”

lies in their approach, in the sense that they express a claim regarding a thing that has been obtained (*ius in re*) or that has not yet been obtained (*ius ad rem*).

V. APPROACHING *DOMINIUM*

Molina's views on rights *in re* and rights *ad rem* are fundamental for a proper understanding of his theory of *dominium*, because both allow for a description of the relation between a rational subject and a thing in the sense that the first can exercise a power over it in a meaningful way. This idea lies at the heart of the notion of *dominium*, which Molina defines as "a right to perfectly manage a corporeal thing unless the law forbids it."⁴⁸ This is the very way Bartolus defined *dominium*, which, as Molina stresses, is embraced by most jurists.⁴⁹ In fact he takes such an interest in this definition that he goes about analyzing its constitutive terms: (1) right (*ius*), (2) to manage (*disponere*), (3) corporeal thing, and (4) the notion of coercive law (*lex*).

1. According to the received view, *ius* can be seen as the genus which encompasses further notions, of which *dominium* seems to be the salient one.⁵⁰ *Dominium* pertains then as a species to the genus *ius*, in the sense that every *dominium* has to be conceived of as a right, but vice versa, not every right can be construed as *dominium*. Molina, however, disagrees with that account and rather prefers to invert the order, deriving rights from the nature of *dominium*.⁵¹

The relation of *ius* and *dominium* needs some further clarification. Bartolus, Gerson, and Summenhart had already established an identity of sorts claiming that *dominium* is always a right. Molina reformulates this

⁴⁸ Luis de Molina, *De iustitia et iure*, vol. 1, II, 3, col. 31A: "Est ius perfecte disponendi de re corporali, nisi lege prohibeantur."

⁴⁹ It is interesting to note that Molina thinks that Domingo de Soto's definition is not quite as good as Bartolus's. See Domingo de Soto, D., *De iustitia, el iure, libri decem*, vol. 2, IV, 1, 1 (Salamanca: 1556), 288–91: "Dominium autem non quodcumque ius et potestatem significat, sed certe illam quae est in rem qua uti pro libito nostro possumus in nostram propriam vtilitatem, quamque ob nosipsos diligimur." What Molina apparently admonishes is that Soto does not explicitly include the legal limitation of *dominium*, who instead emphasizes that *dominium* is based on the will of the person who exercises it.

⁵⁰ Luis de Molina, *De iustitia et iure*, vol. 1, II, 3, col. 31B: "... In ea pro genere ponitur ius, quod dominium et pleraque alia iura complectitur."

⁵¹ Luis de Molina, *De iustitia et iure*, vol. 1, II, 3, col. 33A.

approach and asks whether inversely a right is “formally and essentially” the same as *dominium* so that *ius* could be the true genus of *dominium* in the same way as “animal” is the true (i.e. metaphysical) genus of “man.”⁵² In a surprising turn Molina denies that this is the case, mainly because he thinks that the metaphysical terminology cannot be translated into the language of morality without any loss of meaning. Against the common opinion that right is in fact the genus of *dominium* he argues that it is also possible to derive rights from a proper account of *dominium*.

In the first place Molina uses an empirical argument to show that *ius* can be conceived of as the effect of *dominium*, given that someone can, as a matter of fact, have a complete power over it. Rights can also be derived from *dominia*, because *dominium* implies ownership *simpliciter* (i.e. the relation between a *dominus* and a thing cannot be changed without altering the grounds for this relation, which consists in the superiority of the *dominus* over something). Rights, in contrast, are not based upon this implicit assumption of superiority. A child can have rights regarding her father, without being his *dominus*. Yet rights derived in a relation of superiority can only be thought of as a necessary condition for having *dominia*, but not as a sufficient one such as in the case of a teacher who has the right to teach his pupils, without being their *dominus*.⁵³ Rights can be relative to things owned as well as to things not owned. Someone can transfer a right over a thing, without ceasing to be the *dominus* of that thing such as in the case of leases:

This is confirmed, given that the right to use a thing and the right to sell it are different rights, and one and same person can have many rights regarding one and the same thing based on the diversity of objects to which those rights refer. But the notion of *dominium* regarding one thing is unique and of the utmost simplicity. Therefore the reason for a right to perfectly use and manage a thing differs from the reason for a *dominium*.⁵⁴

2. *Dominium* has an active meaning insofar as it points at the fact that it is a power to establish a relation with a corporeal thing. Based on his own

⁵² Ibid.

⁵³ Luis de Molina, *De iustitia et iure*, vol. 1, II, 3, col. 34A.

⁵⁴ Luis de Molina, *De iustitia et iure*, vol. 1, II, 3, col. 33C: “Confirmatur, quoniam ius ad utendum re aliqua, et ius ad eam alienandum sunt iura distincta, potestque unus et idem habere multa iura circa unam et eandem rem pro diversitate obiectorum, ad quae sunt ea iura: sed ratio dominii circa unam rem est unica et simplicissima: ergo ratio iuris ad perfecte utendum, et disponendum de re aliqua diversa est a ratione dominii.”

authority and having his own benefit in mind, a rational being is hence entitled “to perfectly manage a thing” in different ways, by using it or by exercising property rights over it.

3. The third condition introduced by Bartolus, namely that *dominium* is a relation regarding material things, is, however, not accepted without discussion. Although Molina concedes that *dominium* over a material thing describes its “proper and narrow” (*proprium et presse*) meaning, there are reasons to believe that *dominium* goes beyond material things, because there are certain objects that are not necessarily material and that nonetheless can be claimed by someone. In its broader meaning (*latius sumptus*) *dominium* can also refer to immaterial things, inasmuch as a *ius in re* has already been exercised, as, for example, when someone is called *dominus* of a university chair.⁵⁵

4. The last aspect of Bartolus’s description of *dominium* (*nisi lege prohibeantur*) turns out to be the most important one for it accounts for the specific difference between *dominia*. Someone’s perfect disposition either over a material or an immaterial thing is insufficient to justify whether that person can claim that thing, otherwise a stolen object would *eo ipso* not only be used by the robber, but he could call himself its owner.

The four aspects found in Bartolus’s definition lead Molina to emphasize that in order to use the notion of *dominium* in a meaningful manner, it is necessary to assume that the subjects involved are rational, either actively or passively. He therefore rejects Gerson’s account of *dominium* and right as “metaphorical speech,” because he unduly broadens their meaning by attributing, for example, the horse a right over the grass it eats or the sun the right to shine.⁵⁶

For Molina *dominium* is a human institution, derived from natural or positive right, under the assumption that human beings not only have in fact the proper faculties to relate to corporeal and incorporeal things, but that they can, in virtue of their ability to argue and give reasons, express claims regarding those things as long as those claims do not contradict natural or positive laws. As a human institution, *dominium* has various

⁵⁵ Luis de Molina, *De iustitia et iure*, vol. 1, II, 3, col. 31D: “Attamen, saltem latius sumpto dominio et de utili dicitur, concedi potest, iurium, ut beneficiorum, cathedrae, etc., quando de illis habetur ius in re, haberi dominium.”

⁵⁶ Luis de Molina, *De iustitia et iure*, vol. 1, II, 3, col. 33D.

forms, two of which will be discussed below: property (*dominium proprietatis*) and political power (*dominium iurisdictionis*).

a. *Property*

As stated before, *dominium* is a right regarding a thing that can be either material or immaterial. Yet contrary to the tradition, Molina thinks that *dominium* is the generic concept from which rights can be deduced. One of the most important forms of *dominium* is property or *dominium proprietatis*.⁵⁷

Even if property is a juridical term, there are at least three theologically motivated conditions for *dominium* that have to be addressed. (1) *Dominium* is a human institution derived from God; (2) human *dominium* is made possible, because mankind was created in the image of God and because every human being is endowed with free will (*liberum arbitrium*). (3) Additionally it has to be taken into account that *dominium* and the so-called *divisio rerum* had its origin in the fall from Grace.

1. Molina naturally accepts the view that all of creation originated in God and that he, therefore, exerts a supreme power over it. However, if we ought to talk about human *dominia*, we can only do so because human-kind participates, although imperfectly, in divine power, thus establishing relationships with persons or things that resemble imperfectly the way God relates to creation.⁵⁸

2. Positing free will becomes a necessary condition for *dominia*, because otherwise no significant use of praise and blame would be possible. It is also necessary to account for the active ingredient of *dominium* as a

⁵⁷ For a concise introduction into theories of property in Spanish scholasticism see Francisco Gómez Camacho, *Economía y filosofía moral: La formación del pensamiento económico europeo en la Escolástica Española* (Madrid: 1998), 85–108. For Molina's theory of property see Weber, *Wirtschaftsethik*, 69–93.

⁵⁸ Luis de Molina, *De iustitia et iure*, vol. 1, II, 18, col. 84C: "Illud advertendum est, Deum optimum maximum, creationis titulo, ita universorum esse dominum, ut quamvis dominium rerum aliquarum creaturis mente praedictis concedat, contradictionem implicet, cuiusquam earum dominium a se abdicare, quasi eiusdem rei non maneat dominus. Quo fit, ut dominium, quod creaturae, libero arbitrio praedictae in alias res habent, cum sit participatio quaedam divini dominii, subordinatum semper sit iuri ad dominio, quod Deus in easdem res habet, et ab eo dependens. Cum enim Deus hominum et Angelorum sit plenissime dominus, multo plenius dominio rerum, quas illis concedit; apud se retinet, quam in eos transeat: non secus ac dominus alicuius mancipii eorum, quae mancipium possidet, dominus est."

faculty, and this can only be achieved if we think that the subjects have the ability to discern objects and to rationally desire them.⁵⁹

3. After the original sin (*in statu naturae lapsae*), dominium became a necessity. Before that, in the state of innocence, there was no need to attribute things to different owners, since everything belonged to everyone in some sort of common ownership. But once man had fallen into sin, a continued common ownership would have generated a host of problems. To explain this point, Molina has a fairly pragmatic approach. Among the consequences of original sin is that human beings began to suffer illness, injustices, and destitution. But if postlapsarian common ownership existed, it would have been impossible to distribute the labor and the hardships so that the workload of each individual would be adjusted to its capacity. A differentiating treatment of people under the simultaneous assumption that all goods are common would necessarily generate anger among those with a greater workload, with the effect that they would begin to oppress the weaker in order redistribute labor. Only regulation according to reasonable criteria would help to avoid this undesirable consequence.⁶⁰

But where do those criteria come from? Molina states that they have their origin neither in natural nor in human right, but in the law of nations (*ius gentium*).⁶¹ This seems to be a rather surprising assertion. Natural

⁵⁹ Luis de Molina, *De iustitia et iure*, vol. 1, II, 18, col. 84A: "Ut enim quae mente sunt praedita, per suum arbitrium dominium habent suorum actuum, dum pro suo arbitratu eos eliciunt, eisque utuntur: sic etiam per idem arbitrium capacia sunt dominii aliarum rerum, quatenus eo ipso, quod illarum sunt domini, eis tamquam suis uti possunt pro arbitratu: dominium namque ad usum, liberamque dispositionem rei, cuius quis est dominus, ordinatur."

⁶⁰ Luis de Molina, *De iustitia et iure*, vol. 1, II, 20, col. 91A–B: "... Sane si toti hominum communitati essent omnia communia, nullus culturam et administrationem temporalium rerum propter laborem, et molestiam, quam adiuncta habet, curaret; cum tamen singuli optimis quibusque rebus potius vellent. Unde necessario sequeretur penuria et rerum egestas, orirentur rixae et seditiones inter homines circa rerum temporalium usum, ac consumptionem, robustiores opprimerent debiliores, nullus in rebus publicis servaretur ordo, dum singuli se caeteris pares arbitrarentur, singulique proinde id muneris sibi vellent, quod plus commodi et honoris, minusque molestiae et difficultatis haberet... Ut ergo haec omnia absurda tollerentur, unicuique de mandata est cura et administratio propriarum rerum, atque ita expediens ac necessarium omnino fuit dividi rerum dominia, ut re ipsa divisa intuemur."

⁶¹ Luis de Molina, *De iustitia et iure*, vol. 1, II, 5, col. 13A. "In primis ergo rerum divisio est de iure gentium. Communis quippe est omnibus rationibus ad illamque necessarius fuit consensus hominum, ut ea, quae alioquin omnibus commune a Deo donata fuerant, dividerentur. De iure etiam gentium est, ut facta rerum divisione, res, quae domino carent,

right does not play an essential role in the institution of property, because it already deals with common property established before the Fall. Yet, in resorting to *ius gentium*, Molina acknowledges the empirical fact that there are private interests, which were generated after the Fall. It seems, then, that the function of *ius gentium* consists in setting the normative basis on which different peoples tend to interact. Interestingly, he thinks that natural right undetermined regarding justice before and after the Fall, because whatever occurs according to right reason is the same in the state of grace or after it.⁶² The indetermination of natural right makes it necessary to find the grounds for establishing *dominium* according to guidelines which arise from the human will and which apply to all peoples.

There are three explanations for the institution of legitimate *dominium*, which Molina seems to take as compatible. (a) One is the primordial act by which Adam and Noah instituted *dominium*.⁶³ (b) Another is the power a ruler has in order to organize the ever-growing number of claims and things and (c) it has to be taken into account that the *divisio rerum* rests “always on a tacit or a manifest consensus” so that contentious issues such as the right of occupation of unclaimed property or land can be resolved.⁶⁴

But even if the human will is essential in order to institute *dominia*, it does not lead Molina to opt for a voluntaristic interpretation in the sense that whoever expresses a claim has a right regarding the thing claimed just because he claimed it. Any *dominium* carries certain objective and enforceable criteria of legitimacy that are equivalent to natural rights. Hence the question about the validity of *dominium* is not identical with its act of institution and natural rights are therefore not neutral once *dominium proprietatis* has been established.⁶⁵ This is especially important

sint primo occupantis; item legatorum non violandum religio, et fere omnes contractus, quos homines communiter exercent, et pleraque alia.”

⁶² Luis de Molina, *De iustitia et iure*, vol. 1, II, 20, col. 92A–B.

⁶³ Luis de Molina, *De iustitia et iure*, vol. 1, II, 20, col. 94A–B.

⁶⁴ Luis de Molina, *De iustitia et iure*, vol. 1, II, 20, col. 94C. See also Weber, *Wirtschaftsethik*, 72.

⁶⁵ Luis de Molina, *De iustitia et iure*, vol. 1, II, 20, col. 93C: “... Id quod iudicat lumen naturale intellectus ut fiat, si iudicet id tamquam medium moraliter necessarium omnino ad finem, ad quem quis tenetur, esse de iure naturali ut fiat; ac proinde argumentum solum probare, non quidem rerum divisionem in se esse de iure naturali, sed obligationem, ut fiat, esse de iure naturali, non semper, sed pro tempore, et inter quos iudicaretur esse omnino necessaria ad vitandam gravissima mala inter homines.”

not only in cases of claiming property but also when a thing becomes the object of commercial transactions.⁶⁶

b. *Slavery as dominium proprietatis*

Molina states that only God exercises proper *dominium* over the body and the life of the human beings created by him. We owe him our existence and therefore we have *dominium* over our own body, yet in an analogous or derived fashion.⁶⁷ This derived *dominium* that each human being has over his life, body, and freedom raises the question as to how and why other human beings can exercise *dominium* over other human beings. If our body is *ex iure divino* beyond our grasp, how is *dominium* of other human beings even possible?

In fact Molina searches for arguments that allow for a justification of such a relationship, and he finds the bases for it in *ius gentium*. Since the law of nations relates to a greater extent to positive law than to natural law, it would follow that issues regarding property—and hence slavery—have to originate in individual legislations of the various nations. Molina indeed thinks that it is necessary for slavery to be based upon positive law, because natural law is not as flexible, so to speak, as to allow for culturally different forms of *dominia proprietatis*, to which slavery belongs.⁶⁸

Every human being is essentially free; however, there are empirical differences *ex parte obiecti* that relate to aspects such as the social status from which certain demands can be derived. Hence Molina says: “Due to natural right, all men were born free. . . . Even after adding those rights, slavery has been introduced by *ius gentium* against nature.”⁶⁹ Natural freedom excludes unjust subjection, since man’s similitude with God is reason

⁶⁶ Luis de Molina, *De iustitia et iure*, vol. 1, II, 5, col. 13C: “Quoniam supposita rerum divisione, unusquisque iure ad minimum transferre in alterum dominium eius, quod suum est, aut se illi obligare, modo aliqua iusta de causa iure humano non sit impeditus, ut sunt pupilli, et alii iure civili alienari prohibiti.”

⁶⁷ Luis de Molina, *De iustitia et iure*, vol. 4, III, 1 (Cologne: 1614), col. 511C. See also Norbert Brieskorn, “Die Sklaverei in der Beurteilung des P. Luis de Molina S.J.,” in . . . *usque ad ultimum terrae. Die Jesuiten und die transkontinentale Ausbreitung des Christentums 1540–1773*, ed. Johannes Meier (Göttingen: 2000), 85–98.

⁶⁸ Luis de Molina, *De iustitia et iure*, vol. 1, II, 4, col. 11B: “. . . Communiter dici consuevit, nempe de iure naturali fuisse omnia communia, iure vero gentium introductam factamque fuisse rerum divisionem.”

⁶⁹ Luis de Molina, *De iustitia et iure*, vol. 1, II, 4, col. 12A: “. . . Iure naturali omnes homines nascituros fuisse liberos. . . . Etiam additum his iuribus, servitutem esse contra naturam de iure gentium introductam.”

enough to respect his freedom.⁷⁰ In this sense every relationship between naturally free subjects has to rest on the mutual agreement of the parts involved.

If freedom is a fact drawn from the divine institution of nature, the question still remains as to why and how human beings can establish relationships of *dominium proprietatis* among each other. Molina answers this by discussing the question if man can be *dominus* of his life and his members. It appears that strictly speaking it would seem that there is no proper *dominium* of man over his life and members, since it is God himself who exercises that ownership.⁷¹ In consequence, altering the integrity of one's body is a breach of justice against oneself and, of course, against God.⁷²

If this is true of the relationship a human being can have with his body, it must also be true of the relationship of *dominium* someone establishes with someone else's body. Molina holds, therefore, that the prohibition against mutilating one's body or committing suicide has to be extended to every human being, so that maiming someone or committing murder has to be considered as morally reprehensible.⁷³ Interfering with someone's physical integrity can only be justified when such an action does not contradict the norms of right reason (i.e. when there is a just cause for it). The benefit of such an action has to outweigh its negative effects, such as in the case of the amputation of a limb or the declaration of a just war.⁷⁴

Yet Molina imposes narrow limits on what can be considered a just cause to interfere with one's own or another's physical integrity, because, for instance, any arbitrary action of the ruler that could endanger his subjects has to be excluded. Only if his actions were to follow from

⁷⁰ Luis de Molina, *De iustitia et iure*, vol. 4, III, 1, col. 512A: "Esse vero hominem dominium earum suarum operationum, non est aliud, quam in facultate sui arbitrii esse positum, illas elicere, vel non elicere, aut etiam elicere contrarius, ut maluerit, quod non aliud est, quam esse liberas: in quoad imaginem et similitudinem Dei dicitur homo: eaque ratione capax est virtutis ac vitii meriti et demeriti, dignusque laude aut vituperio, praeioque aut supplicio."

⁷¹ Luis de Molina, *De iustitia et iure*, vol. 4, III, 1, col. 510A: "Homo non est dominus propriae vitae, ac membrorum, sicut est dominus pecuniae, et caeterorum bonorum exteriorum, quae ad ipsam spectant, ac possidet." See also op. cit. col. 511E: "Vita nihilominus, et membra, sunt donum quoddam homini in ipsius bonus à Deo concessum, ut fruatur vita, utaturque membris ad varias functiones. Est insuper homo constitutus dominus earum suarum operationum, quae facultati liberi sui arbitrii subsunt. Constitutus item est custos et administrator vitae ac membrorum."

⁷² Luis de Molina, *De iustitia et iure*, vol. 4, III, 1, col. 510C.

⁷³ Luis de Molina, *De iustitia et iure*, vol. 4, III, 1, col. 511B: "... Non minus eo praecepto esse prohibitum occidere se ipsum, quam alium."

⁷⁴ Luis de Molina, *De iustitia et iure*, vol. 4, III, 1, col. 512D.

reasonable norms of justice would it be acceptable to alter someone's physical integrity or freedom, and even more so if the individual's action caused harm to the *res publica*. In any case, the individual harm should not outweigh the harm done to the community.⁷⁵ In order to establish a case of just retribution, it has to be assumed that the individual performed a certain action, a crime for instance, being aware of its legal and moral implications.

Why is this relevant for the question regarding the legitimacy of slavery? Molina states that in the first place the purchase or sale of a slave has to be congruent with legal principles valid in the slave's country of origin, but also in the buyer's country.⁷⁶ One such legal principle is that it is just to enslave someone when he is made captive during a just war. Molina, however, expands this ancient principle for establishing slavery: if both Christians and non-Christians legally endorse enslavement as the consequence of a just war, then it follows that Christians can be enslaved by non-Christians: "If Christians are captured by infidels during a just war waged by the infidels, they would truly subject them [the Christians]."⁷⁷ Even without a just war is it possible to argue for slavery, since Molina ascertains that *iure caesareo*, at least in cases of extreme necessity, it is a morally viable option to sell oneself or one's children into slavery.⁷⁸

It seems that under certain conditions it is fairly easy to be subjected to slavery. But is it just as easy to cease being a slave? Molina thinks that, generally speaking, this is not the case, either because the enslaved subject voluntarily relinquished his freedom or because the legal framework, as in the case of captivity during a just war, warrants the legal and moral certainty of enslavement. Hence, a slave may not flee from his captivity.⁷⁹ There are, however, a few caveats that would justify a slave fleeing from

⁷⁵ Luis de Molina, *De iustitia et iure*, vol. 4, III, 1, col. 512D: "...Homo exponere possit periculis propriam vitam, ac membra, quando id postulat recta ratio, vel navigando, vel bello iusto rempublicam defendendo..."

⁷⁶ Luis de Molina, *De iustitia et iure*, vol. 1, II, 33, col. 147C: "Efficitur deinde, ut si aliquis legibus quidem illis subiectus, sine illis conditionibus emat aliquem in servum, atamen in loco ubi leges illae non vigent, ut Aethiopem in Aethiopia; validus est contractus, vereque ille, qui emptus est, servus reddatur. Efficitur praeterea, ut si homo, legibus illis non subiectus, seipsum sine illis conditionibus vendat in loco, ubi huiusmodi leges vigent, emptio est valida: eo quod leges ille solum in favorem libertatis eorum qui illis subiciuntur, latae fuerint."

⁷⁷ Luis de Molina, *De iustitia et iure*, vol. 1, II, 33, col. 144C: "Si tamen Christiani ab infidelibus bello iusto ex parte infidelium caperentur, vere esset illorum mancipia..."

⁷⁸ Luis de Molina, *De iustitia et iure*, vol. 1, II, 33, col. 150C: "Quamvis autem id placeat, quando tam emens, quam vendens, iuri Caesareo esset subiectus..."

⁷⁹ Luis de Molina, *De iustitia et iure*, vol. 1, II, 37, col. 180 A-B.

captivity, one being, of course, that he has not been made captive during a just war. Another reason consists in receiving an ill treatment, such as not being allowed to satisfy religious needs or being subjected to rape and abuse.⁸⁰

c. *Political Power*

Molina's political theory is vast and complex, and I will limit my remarks on it inasmuch as it bears relevance to the notion of *dominium*. Molina locates the origin of political power in the necessity to establish social guidelines after the original sin, so that peace and tranquility can be secured.⁸¹ In this the aim of establishing social communities and government does not seem to be different from what Aristotle already had in mind (i.e. that the common good stands at the center of the discussion). But the common good is not the only reason why human beings organize themselves in communities, and, in fact, there are many aspects that need to be taken into consideration. The following two main topics will come under scrutiny, although I will not discuss them separately: (1) the origin of political communities and (2) the origin of political power.⁸²

Molina's model of rights and property are at the heart of his political theory because *dominium iurisdictionis* follows the same rules that can be found in *dominium proprietatis*, which are the following: (i) *dominium* properly speaking lies in God and (ii) it can only be exercised by rational beings after the Fall. (iii) *Dominium* is always the case in hierarchically structured relationships, such as between God and creature, between father and son, or between the ruler and his subjects. Those points, which characterize the *ratio essendi* of *dominia* in general, have already been sufficiently explained. There remain, however, a few questions pertaining to the proper conditions that allow for the constitution of political communities and political power.

Molina's political theory is mainly about political power (i.e. its origin and its legitimation). But in order to speak of political power it is

⁸⁰ Luis de Molina, *De iustitia et iure*, vol. 1, II, 39, col. 185D–188B.

⁸¹ Luis de Molina, *De iustitia et iure*, vol. 1, II, 20, col. 90A: "Etenim statim ac genus humanum ab innocentiae statu per peccatum corrui, necessarium fuit iurisdictionis dominium cum vi quadam coercente introduci, quo homines in officio continerentur, propulsarentur, et punirentur iniuriae, paxque et tranquillitas inter eos servaretur." Molina clearly identifies *dominium iurisdictionis* with *potestas*; see Luis de Molina, *De iustitia et iure*, vol. 1, II, 21 col. 96C.

⁸² I will not discuss the topic of ecclesiastical power, and concentrate instead on those forms of sociability that rest on human agreement.

necessary to elaborate previously on the constitution of political communities. Molina employs two contrasting models in order to illustrate how human beings came to organize themselves in communities not only in order to live together but also in order to attain the proper end of social life: the common good.

In this respect he distinguishes two reasons that explain why human beings congregate in societies ruled by political powers (*potestas laica*).⁸³ The first is based upon human nature, and the second on the necessity to satisfy vital needs such as procreation and mutual protection.

It is a perfectly Aristotelian point of view to say that every human being is social by nature. What this means is that each and every human being naturally tends—Molina uses the term *propensio*—to coexist with others in a mutually beneficial relationship. No human being can individually provide for those things he or she needs to live, let alone to live well.

Following the distinction introduced by Aristotle, Molina identifies different degrees of political powers. The first and most basic one is the family, whose existence depends on the mutual love between a man and a woman which functions as a kind of social glue mainly due to its purpose of procreation.⁸⁴ This basic bond leads to further relationships, which are the characteristic features of the family in its most mature form (*familia perfecta*). It manifests itself in a set of hierarchies, which explain the bond between husband and wife, father and son, and lord and slave.⁸⁵ What those relationships have in common is that their origin can be traced back to natural right.⁸⁶ Those are the three powers that prevail in the household and it is their function to promote the good or utility that can be shared by everyone living in it.

But the question about society and political power transcends the private sphere of the household and it becomes an issue of the public domain. In contrast to the families, which are based on internal hierarchies, the most complete form of human association is the one that takes

⁸³ Luis de Molina, *De iustitia et iure*, vol. 1, II, 22, col. 101C. See also Kleinheippl, *Staat bei Molina*, 588 and more detailed in Costello, *Political Philosophy of Luis de Molina*, 23–35.

⁸⁴ Luis de Molina, *De iustitia et iure*, vol. 1, II, 22, col. 101D: “In eundem finem tam ingentem amoris affectum inter marem et foeminam veluti gluten, quo societas illa contineretur, naturae author esse voluit.”

⁸⁵ Luis de Molina, *De iustitia et iure*, vol. 1, II, 22, col. 101C–103B.

⁸⁶ As noted previously the conditions for slavery differ from those of the other two basic forms of association, because in the state of innocence no slavery existed. However, slavery can accurately be described as an institution of natural right, because it is based upon contracts and titles whose validity does not depend exclusively on human will.

the natural liberty of human beings into consideration.⁸⁷ This is exactly the point that allows human sociability to be set apart from forms of social life observed in nature such as in a beehive. Not only is it necessary to assume the social interaction of free agents but also that the principles of such an interaction can be recognized “through the light of natural intellect.”⁸⁸

What the natural intellect grasps is that the perfect family or even an association of families is not sufficient to provide for what is necessary for humankind, mainly peace and social order.⁸⁹ And since after the Fall human beings tend to all sorts of depravation, it is unavoidable to institute social rules that do away with such a behavior. It comes as no surprise that the republic is the kind of political community that aims at preserving the peace, which seems to be constitutive of the common good.

Although Molina's remarks on the nature of the common good are scattered, it seems that it has to be juxtaposed to the individual good.⁹⁰ Its formal characterization is such that it points at the ultimate purpose of the republic. This means that everything that is done within it has to aim at this end, so that the politically relevant actions of its members become meaningful in the light of the *bonum commune*.⁹¹ The material content of *bonum commune* is, however, more difficult to grasp and Molina is remarkably taciturn. Peace and tranquility of the republic seem to be good candidates to fill this notion with a meaningful content. In any case, he seems to be standing on solid Aristotelian ground inasmuch as it is the aim of the republic to promote happiness.

While human nature explains why life in society and certain rules that allow for the peaceful interaction of individual free agents came about, it has to be noted that Molina recurs to yet another model to illustrate why government and political power are inevitable. He clearly endorses the basic tenets of the philosophical and juridical tradition, following in a special manner Francisco de Vitoria's *Relectio de potestate civili*. Vitoria himself develops his political theory under the premise that initially all power

⁸⁷ Luis de Molina, *De iustitia et iure*, vol. 1, II, 22, col. 103B.

⁸⁸ Luis de Molina, *De iustitia et iure*, vol. 1, II, 22, col. 103C.

⁸⁹ Luis de Molina, *De iustitia et iure*, vol. 1, II, 22, col. 104C: “... Indiget homo vita non solum in communitate plurium familiarum, sed etiam integrae perfectaeque respúblicae ut pax, securitas et iustitia inter homines conservetur.”

⁹⁰ Luis de Molina, *De iustitia et iure*, vol. 6, V, 69, col. 104C. See also Kleinhappl, *Staat bei Molina*, 28–31. For a more general account see Harro Höpfl, *Jesuit Political Thought: The Society of Jesus and the State, c. 1540–1630* (Cambridge: 2004), 283–313.

⁹¹ Kleinhappl, *Staat bei Molina*, 29 is also quite right in stressing that the *bonum commune* is not just the sum of individual goods; the common good is rather the cause of particular goods.

(*potestas*) comes from God; the private as well as the public power have their origin in God in the sense that the power itself cannot be abolished only by human consensus.⁹² Yet consensus can be about the form and shape that political power takes, for instance if a republic or a monarchy is to be created. In other words: according to Vitoria (and Molina) God is the immediate, formal, and final cause of any political power, whereas man functions as its material cause that actually enables a prince to govern.⁹³

If political *dominium* rests on God as its primary cause, the question arises as to why Molina goes into trouble and assigns the human being the role as material cause for political power. Would it not be much easier to think that God rules via a directly sent prince or emperor? After all, people tend to be chaotic and selfish, so why should they be taken into account when it comes to constituting a *res publica* and its government?

In order to answer this question we have to remind ourselves of the presuppositions Molina posits for his explanation of *dominium* in general. It can only be exercised by rational beings endowed with free will. Just as with relations of property between a subject and a thing, there are several conditions to be taken into consideration when establishing *dominia iurisdictionis*.⁹⁴ Thus it is important to enquire about rights, their objects, entitlements, the bearer of rights, and their obligations. Most of these issues have been discussed above, but they obtain fresh nuances when placed within the context of Molina's political thought.

As shown, it is a fact of human nature that every human being ought to live in society. This, however, entails the acknowledgment of rights and duties, such as in the relationships between a lord and his slave or between husband and wife. In more complex societies that have the purpose to promote the common good, it depends on the beneficiary of political associations (i.e. the citizen) to formulate the manner in which to obtain it. If we assume, as Molina does, that government is necessary, and if we also assume that its purpose is to promote the common good, then the very institution of that government will depend on the express will of the people governed. Every citizen is, so to speak, an expert regarding the common good and he will seek an agreement with others

⁹² Francisco de Vitoria, "Relectio de potestate civili," in *Relectiones Theologicae XII in duos tomos divisae*, vol. 1 (Lyons: 1557), 175: "... Omnis seu publica seu privata potestas, qua respublica secularis administratur, non solum iusta et legitima est, sed ita Deum actorem habet, ut nec orbis totius consensu tolli, aut abrogari potest."

⁹³ Costello, *The Political Philosophy of Luis de Molina*, 38.

⁹⁴ See Kleinhappl, *Staat bei Molina*, 81.

in order to decide on a certain type of political representation. Molina seems to think that the social and political mechanisms are an issue of contractual agreement, in which every person qualified to take reasonable decisions will arrive at a conclusion as to how to constitute a political regime.

VI. CONCLUSION

It is a difficult enterprise to assess Molina's importance for later debates on law, right, and *dominium*. Not only is the convolute format of his *De iustitia et iure* an obstacle, but it is the scholastic language he uses that makes him hard to place within the broader context of early modern political thought. Yet he has been credited for advancing a complex economic theory, including some deep insights into the nature of commerce, such as the slave trade, and the value of money as an instrument of economic exchange.⁹⁵ But to what extent his theories of rights and *dominium* have forged the modern discourse on those topics would require a further in-depth study. The aim of the present chapter, in contrast, was to point at some of the essential arguments Molina developed on those concepts.

Even if we might agree that his stance and vocabulary is traditional in that it recurs to Aristotle and to Aquinas as well as to the legal tradition from Bartolus to Summenhart and Vitoria, Molina challenges his reader with a fresh approach that intends to distance itself from others who opted to comment the *Summa theologiae*, such as Báñez and Soto. His intention is to focus on the basic notions on which his entire system rests. Those concepts are right (*ius*) and *dominium*.

Every human being has in virtue of his or her reason a natural understanding of justice and right. Therefore, by construing *dominium* as a right to exercise a faculty, it follows that every rational agent has an immediate access to the basic rules that govern social interaction. Understanding and putting into action those rules are cases in which commutative justice is being applied.

Molina thinks that the notions of *ius* and *dominium* are required to establish a legitimate government. In the political realm the rules of social interaction acquire their proper meaning in the light of an understanding of the proper end of political communities: the common good. The citizen seems to be a natural expert as to the content of the common good, and

⁹⁵ Abelardo del Vigo, *Cambistas, mercaderes y banqueros en el siglo de oro español* (Madrid: 1997), 131–34.

since it is impossible for all the citizens to govern, they have to choose one ruler, thus relinquishing the *dominium* over their natural liberty under the assumption that only the voluntary act of electing a ruler will guarantee their civil liberties.

Dominium, as a right to exert a faculty regarding something, is indeed at the foundation of Molina's political theory: it is about rational beings, who have a domain over their own bodies and their liberty, and who understand that they ought to abandon that exclusive domain in order to safeguard the common good.

LUIS DE MOLINA ON LAW AND POWER*

Annabel Brett

I. INTRODUCTION: MOLINA ON JUSTICE

Luis de Molina's *De iustitia et iure*, conceived as early as 1582 and published in successive stages between 1593 and 1609, represents in many ways a revolutionary contribution to the moral–theological, political, and juridical meditation that began with the work of Francisco de Vitoria and which expanded, through his disciples, into the movement that we know as the “School of Salamanca” or the “second scholastic.” With its massive second tractate concerning the justice of exchange in all types of contract, Molina's work is a highly important and influential moment in what we might call the “economic turn” of later scholasticism, which we can trace in the works of the Dominicans Francisco de Vitoria and Domingo de Soto as well as in that of their Jesuit successors such as Leonard Lessius and Juan de Lugo.¹ In this respect, it is certainly fair to contrast the effort and emphasis that Molina gave to questions of private law and economics with his more reserved attitude towards public power and its law.²

* I would like to thank Matthias Kaufmann for his helpful comments on the first draft of this chapter, and Martti Koskenniemi for many illuminating conversations on the relationship between the political and economic dimensions of scholastic thought.

¹ There is a rich literature on late scholastic economic thought. For overviews see, among others, F. Gómez Camacho, *Economía y filosofía moral: La formación del pensamiento económico europeo en la Escolástica española* (Madrid: 1998); A. Chafuen, *Faith and Liberty: The Economic Thought of the Late Scholastics*, 2nd ed. (Lanham, Md.: 2003). Molina's theory of the just price receives a full treatment in F. Gómez Camacho, *Luis de Molina. La teoría del justo precio* (Madrid: 1981). For Lessius in relation to Molina, see W. Decock, “Lessius and the Breakdown of the Scholastic Paradigm,” *Journal of the History of Economic Thought* 31.1 (2009): 57–78.

² See M. Kaufmann, “Das Verhältnis von Recht und Gesetz bei Luis de Molina,” in *Lex und ius. Beiträge zur Begründung des Rechts in der Philosophie des Mittelalters und der frühen Neuzeit*, ed. A. Fidora, M. Lutz-Bachmann, and A. Wagner (Stuttgart-Bad Canstatt: 2010), 369–92, at 389, differentiating Molina from Suárez in this respect. By contrast, looking at the question from the perspective of international law, Martti Koskenniemi argues that the underrecognized effort of Suárez as well as Vitoria, Soto, and Molina was to create a space for horizontal relations of *dominium* under the *ius gentium* both inside and outside the state, relatively immune from civil law and civil power and indeed constituting a criterion of the legitimacy thereof: M. Koskenniemi, “Empire and International Law: The Real Spanish Contribution,” *University of Toronto Law Journal* 61 (2011): 1–36.

And yet Molina was also concerned with the latter, offering a distinctive discussion of both; as innovative as he was in the field of commutative justice, he simultaneously continued and developed the traditional themes of scholastic moral and political discourse inherited from the work of Thomas Aquinas and mediated through his later medieval and 16th-century interpreters. Our ultimate question will be how, if at all, Molina succeeded in reconciling these two dimensions of his thought. But we shall start with the simple fact that Molina handled them both in the same work, under the broad heading of “justice” and its object, “right” (*ius*), and begin with a brief investigation of how his intellectual predecessors had situated law and power in relation to justice and right. Molina’s treatise had a direct antecedent in Domingo de Soto’s work of the same title, first published in 1553 and definitively revised in 1556. The original, for both of them, was Thomas Aquinas’s series of questions on justice and right in the *Secunda secundae* of his *Summa theologiae*. Behind this, in turn, stood Aristotle’s treatment of justice in the *Nicomachean Ethics*, which yielded the categories that structure the later discussion.

In the opening two chapters of Book V of this work, justice is handled as a virtue, and like all the virtues it aims at a mean, “what is just” (*to dikaion*).³ Because justice is the virtue that is exercised in relation to others rather than to the self,⁴ this mean is interpersonal rather than subjective. However, there are two dimensions to this virtue and its object: Aristotle divides justice into “universal” and “particular.” Of these, it is the latter that has the more familiar sense of “fair shares”; Aristotle isolates it from the other kind by identifying the unjust person as one who wants to have more than what is fair or equal.⁵ This type of justice, again, divides into two: the justice that is found in distributions of honors or money or “the other things that have to be shared between members of a political community” (“distributive justice”), and the justice that is involved in rectifying any unfairness or inequality that occurs between parties to a transaction (“rectificatory justice”).⁶ Rectificatory justice is administered by the

³ Aristotle, *Nicomachean Ethics*, Book V, Chapter 1, 1129a3–5; trans. R. Crisp (Cambridge: 2000), 81.

⁴ Ibid., 1130a2–4; Chapter 2, 1130b1. Jill Frank, *A Democracy of Distinction* (Chicago: 2005), 102–03, cautions against any Kantian reading of this feature of justice.

⁵ Ibid., Chapters 1–2, *passim*.

⁶ Ibid., Chapter 2, 1130b30–1131a1. Aristotle stresses that these kinds of transaction (*sunallagmata*) can be either voluntary, like sale, or involuntary, like theft or murder, bringing commercial and criminal justice under the same heading.

figure of the judge, who is “as if justice animated.”⁷ However, besides this kind of justice, and the injustice involved in being unfair, there is a kind of injustice involved in being unlawful; and from this Aristotle identifies “universal justice,” the justice that is involved in being “lawful” (*nomimos*).⁸ As commentators have stressed, Aristotle does not intend by this any kind of simple-minded obedience to the laws; rather, the laws have as their objective what promotes the good of the political community, and therefore “universal justice” is the virtue by which we globally act well in our relations with our fellow-citizens, relations that are necessarily structured by law.⁹ This virtue encompasses both particular justice and indeed all other virtues insofar as they involve our relations with others: “neither evening nor morning star is such a wonder.” Importantly for the later tradition, the text seems to suggest that it shines most brightly in the office-holder (*archōn*), who is necessarily involved in relations with other people and with the community at large.¹⁰

On Aristotle’s account, then, law is involved in both kinds of justice, universal and particular, for he is very clear that “particular justice is a part of justice as a whole.”¹¹ Aristotle picks up on this theme later on in Book V, where he isolates what is politically just (*dikaion politikon*) from things that are either not just at all or are just in a different or qualified sense. Here he asserts that what is politically just is found only among “people who are free and either proportionately or arithmetically equal,” and further that “what is just exists only among people whose relations are governed by law, and law only among those who are liable to injustice, since the justice of the courts [*dikē*] consists in judgement between what is just and what is unjust. Among those liable to injustice will also be found the committing of injustice . . . [which] consists in assigning to oneself too large a share of what is good without qualification, and too little of what is bad without qualification.”¹² It seems clear in this passage, though Aristotle does not explicitly say so, that we are here concerned with particular justice, both distributive (concerned with proportionate equality) and rectificatory (concerned with arithmetical equality), rather

⁷ Ibid., Chapter 4, 1132a22.

⁸ Ibid., Chapter 1, 1129b11–19.

⁹ See the analysis in R. Kraut, *Aristotle* (Oxford: 2002), 102–25.

¹⁰ Aristotle, *Nicomachean Ethics*, Book V, Chapter 1, 1129b26–1130a2.

¹¹ Ibid., Chapter 2, 1130b15–16; the converse argument regarding injustice is made at 1130a22–24.

¹² Ibid., Chapter 6, 1134a30–34. I have modified Crisp’s translation of *dikē* as “legal justice” to “the justice of the courts” to avoid confusion later on.

than universal justice.¹³ The *archōn*, as the “guardian of the just,” does not try to have more than his share, and is satisfied with the reward of honor and privilege; if he is not, he becomes a tyrant. But Aristotle deliberately links this characterization of the *archōn* as respecting fair shares back to his opening characterization of the *archōn* as the practitioner of universal justice: in both cases, justice is “the other’s good,” and the *archōn* “toils for another.”¹⁴

Aquinas’s treatment of justice in the *Secunda secundae* of his *Summa theologiae* was broadly structured around the terms of the Aristotelian analysis: *iūs*, “right,” as *iustum* or “the just thing,” which is an interpersonal phenomenon consistent with the nature of justice as the virtue which operates “with regard to another,” *ad alterum*. The very nature of justice as a virtue, however, operated to split the discussion of it from the discussion of law, because virtues, as dispositions or *habitus*, are internal principles of human action, whereas law is an external principle.¹⁵ Aquinas handled the topic of law, instead, in the *Prima secundae*, with the notorious consequence that the two central aspects of the juridical universe, law and right, are kept almost entirely separate in the *Summa*. But the separation is not total, in several respects. First, Aquinas developed Aristotle’s notion of “universal justice” by introducing the organic analogy that pervades his understanding of the commonwealth.¹⁶ The city is a community to which individual members relate as parts to the whole; the whole has a common good, and it is the laws of the community which “order” or “ordain” (*ordinare*) individuals and their actions to that common good. Aristotle’s “universal justice,” which Aquinas termed “legal justice,” therefore centrally takes on an “ordering” function;¹⁷ and, taking his cue from Aristotle himself, as we have seen, Aquinas placed this virtue “principally, and as if architectonically, in the prince; secondarily, and in terms of carrying it out, in the subjects.”¹⁸ In this way he made plain the connection between law, the activity and virtue of directing individuals towards the common good, and a political relationship of rule and subjection. And this understanding

¹³ Kraut, *Aristotle*, 126, reads it in the contrary sense.

¹⁴ Aristotle, *Nicomachean Ethics*, Book V, Chapter 6, 1134b1–8.

¹⁵ Thomas Aquinas, *Summa theologiae* (ST) 1a2ae, q. 49, prologue, and q. 90, prologue. I have used the text of the Leonine edition (Rome: 1894).

¹⁶ See the first chapter of his political treatise *De regno* (or *De regimine principum*), ed. and trans. R.W. Dyson in *Aquinas: Political writings* (Cambridge: 2002), 7–8.

¹⁷ Aquinas, ST 2a2ae, q. 58, a. 5.

¹⁸ *Ibid.*, a. 6. *Princeps* is Aquinas’s translation of *archōn* in the *Sententia libri ethicorum*, lib. V, lect. 2 n. 10.

of law impacts not only on “legal justice” but also on “particular justice,” which in Aquinas’s Latin terminology divides into “distributive justice” (*iustitia distributiva*) and “commutative justice” (*iustitia commutativa*).¹⁹ The judge, who administers commutative justice, is no longer simply “justice animated,” but a kind of legislator in his own right; as such, he is a holder of public power and those upon whom he pronounces sentence are his subjects.²⁰ Finally, Aquinas, clearly sensing the difficulty involved on his account in detaching “what is right” wholly from the question of what is law, offered a brief clarification of the relationship between them: *lex non est ipsum ius, proprie loquendo, sed est aliqualis ratio iuris*.²¹ He did not mean, as some interpreters have suggested, that law is the *expression* of right.²² He meant that law gives the rationale or the “basis” of right, that is, it is with the law in view that we can sort out what is right and what is not.²³ Particular justice, then, is brought under a general structure of government by law, which presupposes public power both in the prince and in judges; the prince “governs the multitude” by legal justice, through which he labors for the good of others rather than his own.²⁴

When Domingo de Soto came to write his own treatise *De iustitia et iure* (first published in 1553 and definitively revised in 1556), he took up Aquinas’s hint about law providing the *ratio* of right and began his work with two books on laws, understanding them as the “rules” (*regulae*) of justice.²⁵ Thus the Thomist hierarchy of laws (eternal, natural, civil, and divine), which governs the entirety of man’s conduct and directs him to his proper ends, sets the terms of right: it is only in the context of man’s overall government towards virtue that what is right in particular cases

¹⁹ Aquinas, ST 2a2ae, q. 61, a. 1. The term “commutative” is taken from the fact this is the justice that governs *commutationes* (broadly, “exchanges,” translating Aristotle’s *sunallagmata*).

²⁰ Ibid., q. 76, a. 1: “the sentence of a judge is as if a kind of particular law in the case of some particular deed. And therefore since a general law must have coercive force . . . therefore the sentence of the judge must also have coercive force, by which each party is constrained to observe the judge’s sentence, otherwise his judgement would be without effect. But no one licitly holds coercive power in human affairs except he who exercises public power. And those who exercise it are thought to be the superiors of those over whom, as their subjects, they receive their power.” This and all subsequent translations are my own.

²¹ Ibid., q. 57, a. 1 ad 2.

²² See the translation in Dyson, *Aquinas: Political Writings*, 160.

²³ Cf. Aquinas, *Sententia libri ethicorum*, lib. V lect. 11 n. 8: *cum iustum politicum determinetur lege*. See J. Finnis, *Aquinas* (Oxford: 1998), 135, and, in relation to Vitoria, B. Tierney, *The Idea of Natural Rights* (Atlanta, Ga.: 1997), 259.

²⁴ Aquinas, *Sententia libri ethicorum*, lib. V, lect. 11, n. 11.

²⁵ Domingo de Soto, *De iustitia et iure* (Salamanca: 1566), proemium, paragraph 2.

can be established, although it does not follow from this that right simply reduces to law.²⁶ Power is first introduced as the power to make laws, laws which must be directed toward the common good; consequently, legislative power belongs, as in Aquinas, either to the whole multitude or to him who has the “care” (*cura*) of it.²⁷ Like Aquinas, again, Soto understood legal justice to be the justice that orders citizens towards the common good (parts to whole) rather than towards each other (parts to parts), and he placed it architectonically in the prince.²⁸ Where it exists, it “commands” (*imperat*) all the other virtues although it is not the same as them.²⁹ However, Soto reserved his account of the origin of public power until Book IV, which is devoted to commutative justice, when he came to consider the *dominium* of one man over another and specifically the question whether any man is “lord of all the world.”³⁰ In this context, political power, as a kind of *dominium*, is an object of commutative justice;³¹ and commutative justice, as a type of particular justice, is concerned with the particular goods of the parts rather than with the common good of the whole.³² But the genesis that Soto constructed for this kind of *dominium* was embedded in a teleological narrative of human life running from

²⁶ M. Scattola, “Die weiche Ordnung—Recht und Gesetz in der Naturrechtslehre des Domingo de Soto,” in *Lex und ius*, ed. Fidora et al., 333–68, at 347–49, stresses the structuring role of justice as a virtue in Soto’s handling of law and right. Justice requires both a principle of order (law) and the concrete relations of right in which the order is realized; the two are distinct but mutually dependent, so that neither collapses into the other (*ibid.*, 361–62).

²⁷ *Ibid.*, lib. I, q. 1, a. 3.

²⁸ *Ibid.*, lib. III, q. 2, a. 5: “the justice that orders one citizen to another, as one part [of the whole] to another [part], is particular . . . The other kind of justice, which orders citizens to the common good, is general justice . . . And because that ordering of parts to the common good occurs by means of the laws by which the prince forms all of them to the same good, the same justice is also called ‘legal.’”

²⁹ *Ibid.*, 5th conclusion. Thus particular justice does not collapse into legal justice, “for it is possible for someone to pay back a loan, or pay a workman, not for the sake of obeying the law, nor for the sake of the common good, for which he has no love at all; but to keep his good faith for the sake of himself; and in that case such an act stems purely from particular justice. But if he does it for the common good, and to obey the law, then [the act] is commanded by legal justice.”

³⁰ *Ibid.*, lib. IV, q. 4, a. 1.

³¹ *Ibid.*, proem to lib. IV: *dominium* is the foundation of all the relationships that commutative justice regulates, and all offences against commutative justice are violations or corruptions of *dominium*.

³² Cf. *ibid.*, lib. III, q. 5, a. 1: Soto holds that both commutative and distributive justice are concerned with particular goods. Even though the latter involves a relationship between the whole and the parts, and is therefore concerned in some sense with the common good, what it does is to distribute from common goods to particular goods; whereas legal justice orders particular goods to the common good.

natural need to spiritual salvation, a narrative that transcends the limits of commutative justice and is centrally concerned with the achievement of the human good in common. Its legitimacy is founded not upon each individual's *dominium* of himself and other things but upon the natural faculty that each individual has to achieve his self-preservation in its full moral and spiritual meaning.³³ This is not the concern of commutative justice, which aims simply to rectify wrongs without regard to the virtue of the parties involved,³⁴ but of the human city and its law as outlined in the first two books: "all civil laws . . . are to be instituted for the good of the soul, in which our felicity is in question . . . For by the reason that man is born to felicity, by that same reason he is a civil animal."³⁵ The relation between the prince as the legislator in this sense, the practitioner of legal justice, and as a *dominus*, a lord, represents an under-articulated interface, a moment of tension, in Soto's account.³⁶

We are now in a position to turn to Molina's understanding of law and power in relation to justice. Like Soto, he takes up the Aristotelian categories of justice as mediated through the work of Aquinas.³⁷ But there

³³ Ibid.: "God through nature gave to individual things the faculty of preserving themselves, not only with regard to the safekeeping of their temporal well-being, but also through his grace with regard to the prosperity of their spiritual well-being. But since in their scattered state they were not able to exercise this faculty conveniently, he added to them the instinct of living together, so that united they might be sufficient each to each other. However, the commonwealth thus congregated could in no way govern itself, drive off enemies and check the temerity of malefactors unless it selected magistrates, to whom it granted its faculty: for otherwise the community, without order or head, would not represent one body, nor could it provide for those things that were expedient." I have discussed this passage in my *Liberty, Right and Nature: Individual Rights in Later Scholastic Thought* (Cambridge: 1997), 154–58.

³⁴ This is why its justice is simply "arithmetical": Aristotle, *Nicomachean Ethics*, Book V, Chapter 4, 1132a2–5.

³⁵ Soto, *De iustitia et iure*, lib. I, q. 2, a. 1.

³⁶ A parallel moment in the work of his colleague Francisco de Vitoria has been seen in the differences between his treatment of civil power in the *Relectio de potestate civili* and in his commentary on justice in the *Secunda secundae*. See D. Deckers, *Gerechtigkeit und Recht: Eine historisch-kritische Untersuchung der Gerechtigkeitslehre des Francisco de Vitoria (1483–1546)* (Freiburg: 1992), 273–94, who highlights the difference between the "objective," teleological natural law theory of the former and the "subjective," *dominium*-centered approach of the latter; this is also argued in Brett, *Liberty, Right and Nature*, Chapter 4. However, recent work importantly challenges this distinction: see the contributions by Andreas Niederberger and Andreas Wagner in K. Bunge et al. (eds.), *Die Normativität des Rechts bei Francisco de Vitoria* (Stuttgart-Bad Canstatt: 2011).

³⁷ F.B. Costello, *The Political Philosophy of Luis de Molina, S.J. (1535–1600)* (Rome: 1974), 17, suggests that the organization of the *De iustitia et iure* follows an Aristotelian scheme of justice, which is too simple as it stands. His subsequent chapters handle themes such as political power independently of any consideration of the nature of justice.

are significant differences between Molina and Soto in the organization of their material. Laying out his organizational scheme in the preface, Molina writes that:

We have distributed this whole work on justice into six tractates. The first is on justice in general, and on its parts. The second, on commutative justice with regard to external goods; which is huge. The third, on commutative justice with regard to the goods of the body, and of persons who are conjoined to us. The fourth, on commutative justice with regard to the goods of honour and reputation, and again with regard to spiritual goods. The fifth, on judgement and the execution of justice by public powers; where we shall speak of judicial correction, and vindicatory justice: which are all partly due from commutative justice, and partly are referred back to commutative justice, as will be explained in its place. The sixth, finally, is on distributive justice.³⁸

By contrast with Soto, however, distributive justice is deliberately diminished, shrunk to the sole issue of the correct distribution of any *surplus* accruing to the commonwealth, which, Molina holds, is a very rare event.³⁹ It is placed after the discussion of commutative justice, not before as in Soto.⁴⁰ For Molina, most of the justice due not only between citizens, but between citizens and commonwealth, is commutative justice: “although commutative justice more frequently operates between the parts of the commonwealth between themselves, it can also operate between the commonwealth and one of its parts”; the fact that one of the parties to a transaction is the commonwealth does not affect the nature of the justice involved.⁴¹ This type of justice occupies the overwhelming bulk of the work. Moreover, while Soto had prefaced his entire discussion of justice and right with a discussion of law, in Molina’s work this subject is handled only towards the very end of the work, in the fifth tractate, where Molina considers the execution of justice by public powers. Laws figure here because they are that according to which judgment must be made. Thus law apparently does not provide the *ratio* of justice and right; it seems, indeed, that it is the other way round.

³⁸ Luis de Molina, *De iustitia et iure* (Mainz: 1614), proemium, cols. 1–2.

³⁹ *Ibid.*, tract. 1, disp. 12, n. 3: *quod quam rarissime accidit*.

⁴⁰ Aquinas, too, had treated offenses against distributive justice after those against commutative justice, but Soto had reversed the order: “For distributive justice, which is most prominent in the prince, and by which he adjudicates common goods to individual persons, is more excellent than commutative justice. Therefore we have departed from St Thomas’s order.” Soto, *De iustitia et iure*, lib. III, q. 6, a. 1.

⁴¹ Molina, *De iustitia et iure*, tract. 1, disp. 12, n. 9, with a reference to Aquinas, ST 22ae q. 61 ad. 2, who had made the same point in the context of reciprocity (*contrapassum*); Molina’s move is to foreground it in the very definition of commutative justice itself.

It is not the case, however, that Molina was exclusively interested in commutative justice. Right at the start of the work, in the first disputation of the first tractate, he offers a discussion of legal justice that significantly develops the account we find in Aquinas. As we have seen, Aquinas locates this virtue “architectonically” in rulers and in an administrative form in subjects, a distinction that can also be found in Aquinas’s discussion of the virtue of political prudence. The source here lay in Aristotle himself, who had divided political prudence into an “architectonic” type and a kind of day-to-day running of political affairs.⁴² Aquinas had transformed this into a distinction between prudence in the prince and prudence in subjects.⁴³ However, he had not directly connected political prudence with legal justice; the two virtues remain separate. Molina, however, offered an ingenious account of the link between them. Thus he distinguishes between the kind of prudence involved in conducting oneself virtuously as an individual, “monastic prudence,” and that involved in virtuous conduct undertaken not as an individual but as a part of the whole, and as regards the common good, which is “political prudence.” An act of virtue, insofar as it is enacted by a particular person through monastic prudence, is the act of a particular virtue, for example fortitude, or temperance, or commutative justice. But if enacted by a person through political prudence, with respect to the common good, then it is an act of justice in the broader, “legal,” sense.⁴⁴ On this understanding, political prudence is involved in legal justice, bringing the two virtues very close together. As for Aquinas, both exist in subjects and in the prince, although in a different mode. Laws and statutes belong to legal justice in its architectonic mode, in rulers, and subjects obeying the laws display legal justice in its ministerial mode.⁴⁵

⁴² Aristotle, *Nicomachean Ethics*, Book VI, Chapter 8.

⁴³ Aquinas, ST 222ae, q. 47, a. 12.

⁴⁴ Molina, *De iustitia et iure*, tract. 1, disp. 1, n. 1. It should be noted that the Dominican Domingo Bañez, in his *Decisiones de iustitia et iure* (first published in Venice: 1595), makes a similar connection between political prudence and legal justice, as corresponding virtues of intellect and will, existing both in prince and in subjects: *ibid.*, fols. 28–31. In the preface to this work, Bañez stresses that these lectures were given four years previously, i.e. in 1591, and asserts that his will to publish them has not been diminished by the intervening publication of “their own, and others’ thoughts” on the same subject by theologians “of no small repute.” Tractate 1 of Molina’s *De iustitia et iure* was published at Cuenca in 1593, but correspondence shows that he had been meditating the work since the early 1580s (Costello, *Political Philosophy*, Chapter 1).

⁴⁵ *Ibid.*, nn. 2–3.

In this way, the relationship between ruler and subject, and law as an enactment for the common good on the part of the ruler, is brought in at the very start of the work. But Molina finishes this opening disputation by saying that his work, *De iustitia et iure*, is not about justice in this broad or “legal” sense, but in the sense of justice as a particular virtue.⁴⁶ That is, if we follow his own reasoning, he is interested in justice as the virtue of an individual in his conduct as an individual, using monastic prudence. As we have already seen, Molina explicitly says that jurisdiction or the execution of justice belongs under the heading of commutative justice, and so too, implicitly, does law, as an element of jurisdiction. But does Molina really hold that these functions involve purely personal prudence, and therefore purely commutative justice? The answer is that he does not. Jurisdiction turns out to involve thinking about the common good, and thus political prudence and therefore “legal” justice: the work that Molina does in the opening disputation does critical work in his handling of laws. In parallel, Molina turns out to share Aquinas’s and Soto’s understanding of law and legislative power as a part of government for the common good rather than simply of the administration of justice between individuals. Nevertheless, the attempt to fit these features into the framework of commutative justice results in a distinctive and even revolutionary treatment of law and power.

II. SECTION 1: POWER

Molina followed Soto in locating his discussion of political power and its genesis within his treatment of *dominium*, which itself follows directly from his discussion of *ius*, the object of commutative justice. Here he continued the work of both Soto and his fellow Dominican Francisco de Vitoria in adopting a subjective sense of right as a “faculty” of an individual.⁴⁷ However, Molina developed a distinctive understanding of subjective right in a kind of negative sense, as “the measure of injury (*iniuria*).” That is, you have a right just to the extent that an injury is done to you if someone contravenes it.⁴⁸ Formally speaking (although Molina is not

⁴⁶ Ibid., n. 11.

⁴⁷ I have discussed their concepts of subjective right in *Liberty, Right and Nature*, Chapter 4.

⁴⁸ Ibid., tract. 2, disp. 1, n. 1. There are some intimations of this “negative” definition in Vitoria himself, who, equating *ius* and (one sense of) *dominium* in his commentary on the question of restitution in the *Secunda secundae*, had appealed to the same sort of

particularly interested in this aspect), it is a relationship between a person and the object of the right.⁴⁹ *Dominium* itself is not strictly a right, but a different legal relationship, obtained through legal title (sale, inheritance, etc.), upon which rights are consequent.⁵⁰ It should be said, however, that Molina is not always so careful about the distinction between *dominium* and right: discussing titles to *dominium*, for example, he writes of “the title of *dominium*, or right in some kingdom or other.”⁵¹ This seems to be a consequence of the fact that although *dominium* is not itself a right, it is identified principally by the rights to which it gives rise. Apart from the appeal to title, Molina offers very little else by way of definition: despite its critical importance, *dominium* tends to recede behind its legally measurable origins and effects. And this intimate connection between *dominium* and rights draws *dominium* into the field of commutative justice. It is a status with rights attached that belong to some person in respect of some object, which, if contravened, injury is done *to that person*. It is worth stressing this feature, because Molina followed the rest of the scholastics in dividing *dominium* into property (*dominium proprietatis*) and jurisdiction (*dominium iurisdictionis*).⁵² The implication for jurisdiction, as a case of *dominium*, is that it can be handled purely in terms of the rights of the *dominus* and any possible infringements of those rights by third parties; not in terms of the persons over whom the jurisdiction is exercised. In other words, the concept of *dominium* as a status with rights attached brings with it, of itself, no teleology beyond the personal advantage of the *dominus* himself; the perspective of the common good is absent, and

reasoning: “Because for me to be bound to restitution, it is enough that I do some injury to someone in the thing to which he had a faculty; i.e. whatever that faculty were, if I do him injury, I am bound to restitution.” Francisco de Vitoria, *Comentarios a la Segunda secundae de Santo Tomás*, 6 vols., ed. V. Beltrán de Heredia (Salamanca: 1934), vol. III, q. 62, a. 1, n. 8. Molina, however, did not share the equation between *dominium* and right that Vitoria had inherited from his late medieval nominalist predecessors, especially Conrad Summenhart.

⁴⁹ Molina, *De iustitia et iure*, tract. 2, disp. 1, n. 2.

⁵⁰ Ibid., disp. 3, n. 1, n. 3. The importance of this point is noted and underlined in M. Kaufmann, “Das Verhältnis von Recht und Gesetz,” at 375–76.

⁵¹ Molina, *De iustitia et iure*, tract. 2, disp. 4, n. 1; cf. the definition of jurisdiction offered by Molina in the fifth tractate, disp. 2, n. 5: “It is a faculty or right of doing, with regard to those things that are subject to him as a superior, all those things to which his function as a superior extends.”

⁵² Ibid., tract. 2, disp. 3, n. 13, although Molina had innovated by dividing *dominium proprietatis* into *dominium locorum*, which is a *dominium* held by a *universitas* in things belonging to it for the use of all, and *dominium particulare*, which is the kind of *dominium* that each particular person has in his own things, or that the *universitas* has in things that it possesses as if it were a particular person. Ibid., n. 7.

hence it is a matter of “monastic” prudence and commutative justice rather than “political” prudence and legal justice.

Nevertheless, the gap opened up by Molina between *dominium* and *iuris* allowed him to keep certain traditional aspects of the concept of *dominium* that invoke a broader teleology.⁵³ Thus, for example, the natural *dominium* of human beings over animals and the rest of creation is founded in man’s possession of free will, but that title does not do all the work in its justification; Molina appeals in addition to the ordinance of God, who created all things for the use of man.⁵⁴ And this aspect is critical to his elaboration of *dominium iurisdictionis*, which Molina characterizes as a power (*potestas*). What is a power? He offers a brief definition, borrowed from Vitoria and from the canon lawyer Martín de Azpilcueta: “it is a faculty of someone who has authority and eminence over others for their rule [*regimen*] and government [*gubernatio*].”⁵⁵ Thus power is centrally a teleological concept, just as it was for Aquinas and for Soto as well as Vitoria. Power is *for something*—the good government of the individual or community for their own sake, not for that of the holder of the power. Power is twofold, lay and ecclesiastical, consequent upon the two ends that man has, his natural and his supernatural well-being.⁵⁶ This passage has been read as reflecting a separation between the order of nature and the order of grace, consequent upon the new theological conception of “pure nature” (*pura natura*) which Molina had deployed in his earlier *Concordia*. However, in contrast to the striking innovation of his treatment of right, Molina’s subsequent appeal to Innocent III’s letter *Solita*e suggests a much more traditional dualism: “he compares these two powers to those great lights set in the firmament of heaven: he says that the power of the supreme pontiff is the greater light, set over the spiritual day; the power of the emperor is the lesser light, set over the temporal night.”⁵⁷ As Costello notes, although these powers are, following the Fall and the

⁵³ Again, this point is illuminated by Kaufmann, “Das Verhältnis von Recht und Gesetz,” 381.

⁵⁴ Molina, *De iustitia et iure*, tract. 2, disp. 19, nn. 2–3, 8–9, 13.

⁵⁵ *Ibid.*, tract. 2, disp. 21, n. 1.

⁵⁶ *Ibid.*, nn. 2–3.

⁵⁷ *Ibid.*, n. 15. For the “pure nature” reading, see F. Todescan, *Lex natura beatitudo. Il problema della legge nella scolastica spagnola del sec. XVI* (Padova: 1973), 119, cf. 59–62. As Todescan there recognizes, *pura natura*—natural man created without any supernatural ordination or end—is explicitly introduced as a hypothetical status in the *Concordia*. There is no overt suggestion from Molina that it ever was the actual condition of mankind: that reading requires inference and support from a variety of other passages. I cannot see that the present passage clearly confirms such a reading, and Molina’s understanding both

subsequent disorder and delinquency, necessarily coercive powers, coercion is not their original rationale. Their central function is directive rather than coercive, with the latter an aid to the former.⁵⁸ It is certainly true that Molina, like others among his Jesuit contemporaries, laid a much heavier emphasis than his Dominican predecessors upon the coercive element, given the iniquities of fallen human nature.⁵⁹ Nevertheless, neither Molina, nor indeed his fellow Jesuit and supporter Francisco Suárez, conceived of the political community and its power merely as an exercise in damage limitation. For both of them, the *respublica* or “commonwealth” aims at a genuine good, a “natural end.” However much their understanding of this end may have departed from an original Aristotelian conception (itself a subject of much debate), or from a Thomist conception,⁶⁰ the notion of *finis* or final cause remains crucial to their articulation of political (or indeed any) power. The discussion therefore remains firmly embedded in the medieval idea of *regimen*, a centrally teleological function ordered to the good of the ruled, which Aquinas and his pupil Giles of Rome had transposed from the context of individual souls to that of the political community.⁶¹ The question, then, is how *dominium jurisdictionis* as a power of *regimen* can be compatible with Molina’s understanding of *dominium jurisdictionis* as a relationship to others held by a *dominus*, in which injury is done *to him* if the rights consequent upon such *dominium* are contravened. Or, in other words, how it can be a part of a treatise on commutative justice.

The key to this question lies in Molina’s distinction between powers that are of natural and divine institution, and those that are of human institution. Moving on to discuss the origin of lay and civil power, Molina identifies three natural forms of such power: that of the husband over the wife, of the parent over the child, and of the body politic, the commonwealth (*res publica*), over itself. The analysis of power in the household

of eternal law and of the interrelation between the other laws that direct human beings to their ends seems to militate against it. See below, 173/179.

⁵⁸ Ibid., n. 6: “But when once nature had been disrupted by sin, and grace lost, both powers [sc. lay and ecclesiastical] have coercive force attached to them, so that subjects, who now stand in need of coercion, might be led by direction to their ends.” Cf. Costello, *Political Philosophy of Luis de Molina*, 30–35.

⁵⁹ See, for this point, H. Höpfl, *Jesuit Political Thought: The Society of Jesus and the State, c. 1540–1630* (Cambridge: 2004), 208–17.

⁶⁰ For Aristotle, see below, n. 64; for Suárez’s break with Thomist teleology, see J.-F. Courtine, *Nature et empire de la loi. Études suarésiennes* (Paris: 1999), Chapter 2.

⁶¹ See M. Senellart, *Les arts de gouverner: Du regimen médiéval au concept de gouvernement* (Paris: 1995), 19–31.

is heavily indebted to Aristotle's *Politics*, with an interesting divergence on the question of the master–slave relationship. Against Aristotle, but consistent with the entirety of the School of Salamanca, Molina holds that no such power relationship obtains naturally, but that it can be acquired through just title: as punishment for a crime otherwise worthy of death, or as a service voluntarily contracted for food and money.⁶² In the former, the slave is truly a slave, a *mancipium*; in the latter, he is more a servant, limited in his obligation to his master. As in Aristotle, the master–slave/servant relationship is primarily not for the good of the slave or servant, but for that of the whole household (here lies another disagreement with Aristotle, however, who had held that it is for the good of the master, not the household). Nevertheless, Molina still insists that the master undertake the *regimen* or care (*cura*) of the slave or servant. Thus even this form of power is not purely a matter of commutative justice, but has a direction and a teleology involving the good of the ruled.⁶³

Again consistently with Aristotle as filtered through Aquinas and Vitoria, Molina holds that the structures of *regimen* that obtain in the household are not sufficient for the teleology of human life. A larger community is required, for a variety of reasons: to secure the necessities of life and to develop necessary skills, but also to cultivate knowledge and virtue. If there existed only a plurality of households, man could not learn the arts, “nor acquire the science of natural and supernatural things. Finally, he could not be instructed and imbued with cultivation and morals, which become an honest and upright man, and so friendship would perish and the practise of many virtues.”⁶⁴ However, as noted above, Molina gives much greater emphasis to the disordering effects of the Fall on human behavior. These effects figure strongly in his disputation on the division of *dominium* (both of property and of jurisdiction) from a state of original community. Here, far more emphatically than Aquinas and Soto, whom he cites, he depicts the abandonment of the cultivation of the land and

⁶² Molina, *De iustitia et iure*, tract. 2, disp. 22, n. 6.

⁶³ *Ibid.*, n. 7.

⁶⁴ *Ibid.*, n. 8; cf. Francisco de Vitoria, *Relectio de potestate civili*, ed. and trans. in A. Pagden and J. Lawrance, *Vitoria: Political writings* (Cambridge: 1992), § 6 (pp. 6–9). In the background to both lies the account that we find in the first chapter of Aquinas's *De regno*, which includes both factors of necessity and of the development of man's rational powers. The question how far this kind of understanding, which stresses the weaknesses and needs of human nature as much as its perfectibility, departs from any “authentically” Aristotelian position on the “end” of the *polis* is discussed in J. Blythe, “Aristotle's *Politics* and Ptolemy of Lucca,” *Vivarium* 40/1 (2002): 103–36.

the consequent poverty and neediness that would ensue in the absence of private *dominium* in the sense of property. Interestingly, on his account this leads directly to fighting, rebellion, and oppression, a picture of economic disintegration generating political disorder and decay. As we shall see again in Molina's treatment of law, the two types of division of *dominium* are linked in their rationale.⁶⁵ And in his disputation on the origin of civil power, Molina reiterates even more strongly the savagery and slaughter that would exist if there were nothing but the power of the head of the household to control the malevolence and violence of fallen man.⁶⁶ Although the political community is not solely there to remedy disorder, certainly this is one of its central functions.

As a result of these factors, Molina continues, heads of household came together to form the "perfect community," the commonwealth, which has a properly political rather than a household structure of government. Engaging with Vitoria, again, and also here with Soto, Molina eventually agrees with them that the power to govern that community lies originally within the community itself. It is not a simple aggregate of individual powers transferred by contract to the body politic. Rather, it is a function of the very nature of that community that there should be a power of *regimen* within it, and thus that power comes directly from God as the author of nature.⁶⁷ Molina considers a possible objection, which is that the power to punish malefactors, which all members of the second scholastic take as a public and political, rather than private, power, lies in the absence of a commonwealth with heads of household. Thus why cannot the power of the commonwealth simply represent the transferred power of heads of household? But Molina turns the objection around to support his own position: if such power arises *ex natura rei* in heads of households, the same arguments suggest that it also arises *ex natura rei* in the commonwealth, without the mediation of heads of households.⁶⁸

The power of the commonwealth over itself, then, is not a matter of positive law. It comes from God through nature and is a matter of natural law. But Molina again agrees with the entirety of the second scholastic that political power must be committed to some individual or individuals if it is going to be exercised effectively: "for it would be burdensome, and

⁶⁵ Molina, *De iustitia et iure*, tract. 2, disp. 20, n. 5.

⁶⁶ *Ibid.*, disp. 22, n. 8.

⁶⁷ *Ibid.*, n. 9.

⁶⁸ *Ibid.* Molina also vehemently rejects the idea that such power could be held by private individuals.

morally impossible, to demand the acts of this power from individuals, and to wait for the consent of all the individuals of the commonwealth, and it would be very difficult for such a multitude of men to agree on the same thing.”⁶⁹ The establishment of such a ruling power *is* a matter of positive law, and it is on the commonwealth’s own terms: it is free to choose a monarchy, aristocracy, or democracy, and how much power it concedes to its rulers is up to itself.⁷⁰ If it establishes a king—and monarchy is indeed the best form of government, on a principle of unity—then it can, at the moment of the initial grant, restrict the king’s power as it wills, and indeed it is not to be presumed to have given the king unlimited power over itself. It is far more likely, according to Molina, that kings have seized too much power for themselves.⁷¹ Although the commonwealth cannot alter the terms of royal power after the initial concession,⁷² it can nevertheless resist a king if he assumes for himself powers that were not conceded by the commonwealth and thus becomes a tyrant.⁷³ Molina filled this out in the third tractate of *De iustitia et iure*, as part of the question whether it is licit for a private person to kill a malefactor. Here he aligned himself explicitly with the parallel discussions by Vitoria and Soto in making the distinction between a tyrant who, “although he is the true lord [*dominus*] of the commonwealth in which he exercises his tyranny, nevertheless administers it evilly and unjustly,” and the tyrant who is not a true lord but a usurper of the commonwealth.⁷⁴ In the former case, a private person may not kill him, but “the commonwealth itself could gather together, at least in respect of its heads, and resist him, and, having passed sentence, depose him from his administration and . . . punish him once deposed.” In the latter case, any private person, in the absence of a superior, could kill him, as he is carrying on an unjust war against the commonwealth and any member of that commonwealth has behind him the presumed or explicit will of the whole body to remove the tyrant.

⁶⁹ Ibid., disp. 23, n. 1.

⁷⁰ Ibid., n. 4.

⁷¹ Ibid., n. 6; n. 14 for monarchy as the best form of government.

⁷² Ibid., n. 9; n. 4.

⁷³ Ibid., n. 10.

⁷⁴ Molina, *De iustitia et iure*, tract. 3, disp. 6, n. 2; the discussion on the “tyrant by exercise” goes back to Aquinas, *De regno*, Chapter 7 (Chapter 6 in Molina’s edition). Vitoria and Soto had already translated the question into the terms of commutative justice: for Vitoria, the usurping tyrant is the one “who does not have a right to the lands that he occupies, but occupies them tyrannically; the commonwealth is not his, and he takes it” (*no es suya esta república, y la toma*). Vitoria, *Comentarios a la Secunda secundae*, q. 64, a. 4, p. 287; cf. Soto, *De iustitia et iure*, lib. V, q. 1, a. 3: *ius ad regnum*.

Two recent studies have charged Molina's account of the process by which the commonwealth can remove its true lord with vagueness.⁷⁵ This is undoubtedly true. But Molina's account is deliberately traditional and deliberately academic: this is, he says, the common consensus of all the *doctores*. Far more innovative, and with far greater practical resonance, was his handling of the relationship between the power of the king, as a *dominus*, and that of the commonwealth. Molina tackled this question in a separate disputation of the second tractate entirely devoted to the subject, "Whether royal power is of the law of nature," directed against Vitoria. Vitoria had proposed, in his *relectio* on civil power, a story about the origins of political power which is in many respects close to Molina's, and clearly a source for it. But he had held that in the case of royal power, the commonwealth does not transfer its power to the king, but only the authority to be king; the power itself comes from God. Scholars have wondered about this passage ever since; perhaps Vitoria, worried about the possibly revolutionary implications of his thesis that power lies originally with the people, altered this in the case of monarchy to deny that the king's power stemmed from the people in any way.⁷⁶ It may be helpful to put the matter in the terms of analysis adopted by Costello, who approaches Molina's account of political power by distinguishing between the "Translation Theory," in which power is transferred from the commonwealth to a ruler, and the "Designation Theory," in which power comes directly to the ruler from God, or from God through nature, and the commonwealth merely designates or authorizes the specific person or persons who will exercise that power.⁷⁷ In these terms, the problem will be that Vitoria generally adopts the Translation Theory, but opts for the Designation Theory in the specific case of monarchy.

⁷⁵ Höpfl, *Jesuit Political Thought*, 317–18; H. Braun, *Juan de Mariana and Early Modern Spanish Political Thought* (Aldershot: 2007), 82–83.

⁷⁶ Francisco de Vitoria, *De potestate civili*, § 8, 14–17; the passage is discussed in the Introduction to the volume, xviii–xx, and in Deckers, *Gerechtigkeit und Recht*, 286–99. Compare the comment of Francisco Suárez in his *De legibus ac Deo legislatore* (ed. L. Pereña [Madrid: 1971–81]), lib. III, cap. 4, n. 5, considering the consequences of his own theory that power always originates in the commonwealth and is transferred to a ruler, king, or otherwise: "One might object, that it follows from this that royal power arises from human right alone, which appears to be contrary to Scripture's way of talking: 'By me kings reign, and princes decree justice', Proverbs 8, 15, and: 'For he is the minister of God to thee for good', Romans 13. Again it follows that the kingdom is above the king, because it gave him his power. Hence it further happens that it can, if it wants, depose him or change him, which is totally false. It was because of this that Vitoria holds that royal power must without qualification be said to be by divine right and given by God, supposing human election."

⁷⁷ See Costello, *Political Philosophy of Luis de Molina*, 38–40.

Molina does not see the problem in quite this way, however. According to him, the argument turns on Vitoria's identification of the power that the king exercises with the power that the commonwealth exercises over itself: there are not two powers, as Vitoria himself stresses.⁷⁸ Since, in a monarchy, the king holds the power, it follows that the commonwealth does not have it; and this is not by reason of a transfer of power from commonwealth to king, but because the power is in the monarch on the same rationale and from the same source as it is in the commonwealth, that is, from nature and from God.⁷⁹ But Molina argues differently: the power of the commonwealth and of the king are *not* the same; there *are* two powers. "For the power that the commonwealth communicates to the king is far different from that which it has in itself; and it can communicate a greater or lesser [sc. power] to him, as has been said."⁸⁰ It is certainly true that two powers do not exist in the sense that each can issue in an act of "jurisdiction or *regimen*" over the members of the commonwealth at the same time, for the commonwealth takes from itself what it gives to the king. But this is only in terms of immediate jurisdiction; power still remains in the commonwealth in a dispositional form, and it is with this power that it can resist the king if he ever acts against it. This power is of natural law, while that of the king is not. The king's power, just like the power of any government, is purely human, and of positive law, even if (as we shall see) the obligation to obey it belongs to natural law.

All cases of *dominium jurisdictionis*, then, can be handled in the same way. It is a limited thing, and on the commonwealth's terms. Rulers, kings, or otherwise, hold it "in order to pronounce justice upon them [sc. the subjects], to defend them and to govern them to the common good."⁸¹ Molina draws attention to the fact that kings receive tribute and other emoluments from their subjects, and argues that they are therefore bound

⁷⁸ Vitoria, *De potestate civili*, § 8, 17: *nec sunt duae potestates, una regia, altera communitalis*.

⁷⁹ Molina, *De iustitia et iure*, tract. 2, disp. 26, nn. 1–3. Molina assimilates Soto to this position, who does not (at least in *De iustitia et iure*; his earlier commentary on Paul's Epistle to the Romans is closer to Vitoria) argue that royal power is direct from God, although he does hold that all political power is from God through nature. The important point, on Molina's reading, is that neither of them allows for two powers.

⁸⁰ Molina, *De iustitia et iure*, tract. 2, disp. 26, n. 6. There are intimations of this position, however, in Vitoria's commentary on the *Prima secundae*, q. 105, a. 2, ed. Pagden and Lawrance, 201–02: "a king does not have all the powers that the commonwealth has," and nevertheless is a *dominus*, thus raising a question about the meaning and extent of *dominium* in this context.

⁸¹ *Ibid.*, disp. 25, n. 1.

in justice to provide them in turn with the protection and defense with which they are charged.⁸² That justice is *commutative* justice, as Molina makes plain when he picks up the subject of jurisdiction again in the fifth tractate. The passage is worth quoting in full:

For, as was said in the second tractate, disputation 25, and elsewhere, the members of the commonwealth pay tribute and other stipends, and set aside common goods which the prince and other public ministers make use of, and offer them obedience and reverence, for this reason: that they should pronounce justice upon them, defend them and rule them, and provide everything else which seems expedient and necessary to the good of the commonwealth and its parts; this is why they have public powers which are as if hired for pay, with all those emoluments. And because of this, if the members of the commonwealth suffer any loss arising from the omission of anything that the public powers, of their office and from commutative justice in return for those emoluments, are bound to do, they [sc. the public powers] are bound to restore it to them.⁸³

The idea that public powers are “as if” hired for services, which the community pays for, and are liable for any loss resulting from the performance of their duties, is, to the best of my knowledge, original to Molina.⁸⁴ The apparent reason for this innovation is the drive to fit the activity of judges, jurisdiction, within the framework of commutative justice. But, as we have seen, it is bound up with a distinctive attitude to the second scholastic’s general theory about the origin of power in the commonwealth itself. Molina does not endorse a “Translation Theory” in precisely the same way as the contemporaries with whom he engages, since what is transferred is not the power of the commonwealth but a legal status, a *dominium*, which carries with it a limited “package” of rights that the commonwealth has carved out of its own power as regards immediate exercise only. This package is offered on terms analogous to those involved in any other contract of hire between private individuals. Molina thereby places the

⁸² Ibid., n. 2.

⁸³ Ibid., tract. 5, disp. 1, n. 2. Cf. tract. 1, disp. 12, n. 12: “it is as if the prince, and other public ministers have, by a contract with the commonwealth, hired out their labour to provide all these things.” Thus I cannot agree with Höpfl, *Jesuit Political Thought*, 250, that Molina did not employ contractual terms.

⁸⁴ However, it should be noted that, in another point of coincidence between Molina’s work and that of Bañez (see above, n. 44), the latter also makes “the prince and ministers of the commonwealth” liable in commutative justice if their government results in loss to the commonwealth. Although the language of “hire” and “pay” is absent, he too stresses that the liability to restitution is *ex contractu et promisso*. Bañez, *De iustitia et iure*, fol. 29 col. 2.

commonwealth in a far stronger position vis-à-vis its rulers than had Vitoria and Soto, his chief sources in formulating his theory of civil power.

Molina's dual analysis of political power—as held by the commonwealth, and as held by rulers of various kinds—has multiple theoretical advantages. On the one hand, by understanding the power of rulers as a limited juridical package, subject to the rules of commutative justice governing all contracts and exchanges between private individuals, Molina was able to account for the undeniably private aspect of the network of hereditary jurisdictions by which the Iberian Peninsula of his day was governed. The existence of these multiple jurisdictions, with their varying rights and powers, is, for Molina, fundamentally a matter of history and usage, and they resist any scientific treatment.⁸⁵ It is not political theory that holds the key to their legitimacy (except in the most general sense that they depend upon the existence of the supreme power), but the terms of the original concession of power, either from the commonwealth or from the prince. However, to a large extent the same goes for the supreme jurisdiction itself, which, in its aspect as a service commissioned and paid for by the commonwealth, is quasi-privatized and subjected to the same rules of commutative justice that govern those over whom it exercises its power. But on the other hand, notwithstanding these revolutionary implications, Molina's definition of political power also enabled him to hold on to some of the more traditional, public aspects of the concept. Because the power of rulers is ultimately rooted in that of the commonwealth, it retains a link to nature and to God as the ultimate end of human life. This has the consequence that such powers must be obeyed as part of our obedience to God himself.⁸⁶

III. SECTION 2: LAW

Much the same duality characterizes Molina's handling of law. He addressed this question in the fifth tractate, which is devoted to "judgment, and the execution of justice by public powers." As we have seen, Molina regards this function as an exercise of commutative justice. In this respect, he was following in the footsteps of both Aquinas and Soto. Aquinas had held that "vengeance," *vindicatio*, was a distinct virtue if exercised by a private person, but a part of commutative justice if it were

⁸⁵ Ibid., tract. 5, disp. 3, n. 2: *non cadunt sub artem*.

⁸⁶ Ibid., tract. 2, disp. 27, nn. 1–2; see further below, 178.

exercised by a public power.⁸⁷ As we saw at the beginning, however, this act of judgment is for Aquinas a kind of legislation, implicitly involving not merely commutative justice but the legal justice by which the prince orders subjects to the common good. This position was repeated by Soto, arguing that although *justitia vindicativa* bears an “image” of distributive justice, because the wicked are more severely punished, it is nevertheless a form or an act of commutative justice, reestablishing the correct juridical balance between different individual parties. Again, however, this act does not float free of the teleology of the law, because it is “commanded” by legal justice.⁸⁸

Molina’s assignation of judgment to commutative justice was more radical than that of either Aquinas or Soto, because of his characterization of jurisdiction as a service that is paid for and liable to damages if badly performed. This means that the pronouncement of justice is itself the fulfillment of a contractual obligation, and thus an act of commutative justice in this sense as well.⁸⁹ But Molina also emphasized that jurisdiction does not simply mean pronouncing sentence, but also governing with laws and commands: “. . . [the term] jurisdiction comes from ‘saying’ (*dictio*) what is ‘right’ (*ius*): but to say what is right is not simply to pronounce sentence, and to define the content of right and equity, but also to govern with laws and commands; to administer justice; and universally for the public person, who has power over others as his subjects, to carry out with regard to them whatever he can under the terms of the power by which they are subject to him.”⁹⁰ This is consistent with Molina’s characterization of jurisdiction as a *potestas* in the second tractate, and he referred back to this definition directly in emphasizing the teleology of jurisdiction *ad eorum regimen et gubernationem*.⁹¹ As for Aquinas, then, the figure of the judge is not merely “justice animate,” but a holder of public power centrally involved in the broader business of political government, and the highest level of jurisdiction, the “supreme power” (*suprema potestas*), involves the power to make laws that bind the whole commonwealth.⁹²

Molina aligned himself with the Thomist position on law by viewing it as primarily an act of reason rather than will, decisively rejecting the

⁸⁷ Aquinas, ST 22ae q. 108, a. 2.

⁸⁸ Soto, *De iustitia et iure*, lib. III, q. 5, a. 1.

⁸⁹ Molina, *De iustitia et iure*, tract. 5, disp. 1, n. 2, quoted above, 173.

⁹⁰ *Ibid.*, disp. 2, n. 1.

⁹¹ *Ibid.*

⁹² *Ibid.*, disp. 6, n. 1.

voluntarism of the Franciscan Alfonso de Castro, as Soto had done before him.⁹³ However, there is an interesting divergence from Aquinas in his argument for this point. Aquinas had argued from immediately teleological considerations: law is a rule and measure of human actions, but “the rule and measure of human actions is reason,” because “it belongs to reason to order towards an end, which is the first principle in things that are to be done.”⁹⁴ But Molina in fact rejected the idea that every law must necessarily be ordered towards an end. End-directedness is a feature not of any individual law, but of law in the sense of a complex of legislation (as in “natural law” or “civil law”), insofar as it is derived from the eternal law with its over-arching directive function.⁹⁵ Rather, Molina’s argument for law being an act of reason is rooted in the conception of political virtue with which he began his entire treatise: more precisely, the closely associated virtues of legal justice and political prudence. Legislation belongs to these virtues as they exist architectonically in the rulers of commonwealths: “human laws are acts of legal justice insofar as it resides architectonically in the sovereign rulers of the commonwealth, through the political prudence that also resides architectonically in them.”⁹⁶

Molina also follows Aquinas in holding that human laws, as “acts of jurisdiction stemming from the supreme power,”⁹⁷ are set within a hierarchy of laws that together govern man towards achieving his two ends of natural and supernatural felicity. Disputation 46 of the fifth tractate (“What, and how manifold, is law”) is saturated with the language of *regimen*, *gubernatio*, and *finis*. Central to this directive hierarchy is God’s eternal law, from which all others derive and on which they depend.⁹⁸ It is not itself ordained to an end, because it is nothing other than God himself, “the supreme and ultimate end of all things,” but it “ordains and directs” all other things to their own ends.⁹⁹ It is true that Molina departs from Aquinas in seeing eternal law, insofar as it governs irrational creatures, as only a law by way of similitude or metaphor; true law requires a capacity

⁹³ Molina, *De iustitia et iure*, tract. 5, disp. 46, nn. 11 and 12.

⁹⁴ Aquinas, ST 1a2ae, q. 90, a.1.

⁹⁵ Molina, *De iustitia et iure*, tract. 5, disp. 46, n. 23.

⁹⁶ *Ibid.*, n. 8.

⁹⁷ *Ibid.*, n. 1.

⁹⁸ *Ibid.*, nn. 3, 4, and 6, and in several other places throughout this lengthy disputation.

⁹⁹ *Ibid.*, n. 23. Molina shares his sense of the difference between eternal law and the laws that derive from it with Domingo de Soto: see M. Scattola, “Naturrecht als Rechtstheorie: Die Systematisierung der ‘res scolastica’ in der Naturrechtslehre des Domingo de Soto,” in *Die Ordnung der Praxis. Neue Studien zur Spanischen Spätscholastik*, ed. F. Grunert and K. Seelmann (Tübingen: 2001), 21–48, at 35–36, and Todescan, *Lex natura beatitudo*, 228–32.

for understanding on the part of those subject to it.¹⁰⁰ Nevertheless, the shaping role that Molina gives to eternal law in governing the entire universe of creation is purely Thomist, as is the language of providence: "by this same eternal law, God provides for all things and governs all things, and the reason involved in directing all things to their ends and providing for those ends, existing in God, belongs to God's eternal law."¹⁰¹ Again, as for Aquinas, the natural law in creatures endowed with reason and free will is an impression of God's law in their own minds, directing them to their natural felicity (both moral and contemplative).¹⁰² Human civil law, in turn, has for its aim "the end and the political good of human life together."¹⁰³ This is different both from the natural felicity of each individual, to which natural law is directed, and the supernatural felicity of the individual, to which the divine law of the various statuses of mankind, as well as canon law, are directed. But these laws are not entirely separate from each other, legislating for separate domains with separate ends. Rather, "the laws which are handed down and ordained towards the ultimate natural end, serve in attaining the supernatural end as well, and are ordained towards it, and should be accommodated to it in their order and rank."¹⁰⁴ Molina continues: "to pass laws for the ultimate natural end . . . and that man, once his nature has been corrupted by sin, insofar as he is a social animal, should be a good citizen . . . belongs partly to God almighty as the author of nature, and partly to the supreme governors of each commonwealth."¹⁰⁵ Although it is natural law that is legislated by God, and civil law that is legislated by the governors of the commonwealth, it is not the case that the two have nothing to do with each other: good citizenship demands moral virtue (not merely the virtue of commutative justice, moreover), and political rulers may legislate for it.¹⁰⁶ Furthermore, civil law "in great part" contains natural law, even if this is "particularly"

¹⁰⁰ Ibid., n. 31; n. 20. This point would be taken up by Suárez and other Jesuits as part of a fundamental departure from Aquinas's conception. However, in Molina it does not have that force.

¹⁰¹ Ibid., n. 16. Compare Aquinas, ST 1a2ae, q. 93, *passim*.

¹⁰² Ibid., n. 18; n. 7.

¹⁰³ Ibid., n. 23.

¹⁰⁴ Ibid., n. 6; compare n. 21 and n. 23, in which Molina asserts that the different divine laws (of the state of innocence, of the state after the Fall, of the state of grace) that govern man to his supernatural end all include natural law, as a means necessary to its attainment, because "the supernatural end presupposes the natural, as subordinate to it, and necessary to it" (quotation from n. 23).

¹⁰⁵ Ibid., n. 7.

¹⁰⁶ Ibid.

the negative precepts forbidding external actions such as theft, murder, and adultery, “which disturb and foul the secular commonwealth.”¹⁰⁷ A two-way relationship exists, therefore, between natural and civil law: following the Fall, civil law is the necessary complement of natural law in the achievement of natural felicity; but civil law integrates, in part, the end and precepts of natural law, since the commonwealth cannot exist without them.

Civil law is thus firmly situated within the teleology of human life that culminates in the ultimate end of supernatural felicity, and for this reason, our obedience to it is part of our obedience to God himself. This, for Molina, is the sense of the celebrated Chapter 13 of Paul’s epistle to the Romans:

all those legitimate powers, through which God directs mortals to their spiritual and supernatural end, and to those natural ends, economic and political, which are subordinate to the supernatural, even if some of them are chosen and established by human beings in order to be governed in this way, all of them are of God and stand in the place of God; in its own order and rank, each of them imposes commands and even laws upon its subjects; and when these are fulfilled by subjects, and those powers are obeyed by them in that respect, God himself is obeyed.¹⁰⁸

Molina had already made this point, with reference again to Romans 13, in disputation 27 of the second tractate, which stresses that all legitimate powers are from God and part of God’s government, just like the operation of second causes in nature. Our obedience to them is therefore a matter of natural and divine law, even if they are constituted by human means.¹⁰⁹ He made it again in disputation 73 of the fifth, which concerns the obligation in conscience to obey human law. But in this disputation Molina coupled it with a different argument, from contracts such as sale or hire of servants: although the contract is of human institution, nevertheless, supposing its legitimacy, the obligation to keep it is of natural law, and its transgression a sin against commutative justice.¹¹⁰ While Molina moves seamlessly between the two arguments, however, they are not quite the same: from his own discussion, the key difference between a person empowered by a contract to claim its fulfillment and the powers that govern a commonwealth is that the latter are *necessarily* instituted by

¹⁰⁷ Ibid., n. 22.

¹⁰⁸ Ibid., n. 22.

¹⁰⁹ Molina, *De iustitia et iure*, tract. 2, disp. 27, nn. 1–2.

¹¹⁰ Molina, *De iustitia et iure*, tract. 5, disp. 73, n. 4.

the commonwealth, in order to put into effect the God-given power which it cannot exercise by itself. Such powers are therefore directly linked back to God's own government, and obedience to them is the virtue of obedience to God. By contrast, the fulfillment of a contractual obligation belongs to the virtue of commutative justice, and any obedience involved is fundamentally a matter of obedience to natural law. Of course, both ruling powers and natural law are from God, and obedience to natural law is *involved* in our obedience to the former; hence Molina's easy transition between the two cases. But it does not exhaust it, as Molina's emphasis on the additional involvement of divine law in the case of our obedience to the ruling powers makes clear.

Obedience to civil power cannot, therefore, be wholly reduced to the framework of commutative justice, and we have already seen that civil legislation cannot be entirely accounted for in those terms either: it demands the activity of virtues—legal justice and political prudence—that cannot be fully contractually specified. Nevertheless, Molina still makes the point that legislation is owed by rulers out of commutative justice “in exchange for the *dominium jurisdictionis* and other emoluments that they have accepted from the commonwealth.”¹¹¹ It is this contractual aspect that allows subjects the right to object to laws which in their opinion are unjust, too burdensome, or at least do not serve the common good. Discussing royal power in the second tractate, Molina again takes issue with Alfonso de Castro, over the question whether kings possess legislative power dependent upon or independent of the approbation of the people. Clearly, he agrees, if it is the custom to refer laws to the people for approval, then the people did not grant kings an absolute power to legislate; and this may even be inferred from an absence of any custom to the contrary. But, Castro had claimed, if “received usage has it that laws of princes which are not unjust are altogether to be obeyed,” then the commonwealth must be judged to have granted the king all its powers. Molina disagrees: this “is scarcely to be believed,” especially given royal tendencies to augment their power by sheer force. Thus, even in this situation, the commonwealth can “as if appeal against laws that impose too much of a burden upon it,” and its case must be heard.¹¹²

¹¹¹ Ibid., disp. 46, n. 8.

¹¹² Molina, *De iustitia et iure*, tract. 2, disp. 23, n. 6. His position is not as different from that of Castro as he makes out, however; according to Castro, even if the people did indeed transfer all its power, it can still appeal against laws that it considers unjust. However, if it

Molina develops his understanding of what makes a law burdensome or otherwise in disputation 69 of the fifth tractate, which concerns the conditions that a law should fulfill (originally laid down in Isidore of Seville's *Etymologies*).¹¹³ What is striking in this disputation is the amount of space that Molina devotes to conditions that relate to the economic circumstances of subjects. Thus Molina explains the condition that a law must be "appropriate to place and time" by appealing to the different economic factors that affect different regions in different years. He argues that it is unjust for legislators to lay down a universal price for grain when the "natural price," the price demanded by the market, will be different in areas of scarcity from areas of abundance. Again, the harvest will differ from year to year, making it unjust to keep the same price from one year to the next. The consequence of such legislation is not simply the injustice involved in depriving farmers of the price that they could otherwise expect, but the economic impact of driving farmers off the land, of deserted villages, of increased grain shortages, and ever-increasing price inflation throughout the realm.¹¹⁴ In this sense, unjust price legislation negates the economic benefits of the original "division of *dominium*" which, as we have seen, is an essential part of the broader teleological narrative in which the commonwealth itself is situated. Likewise, explaining the condition that a law must be imposed "for no personal and private advantage, but for the common utility of the citizens," Molina cautions against too swift an equation between the good of the king's court and that of the community. Focusing his critique (in the traditional manner) on the king's agents rather than the king himself, he complains of the current practice whereby farmers are forced to sell their grain to supply the court at a fixed price, leaving nothing for them, so that they are forced to buy in grain from outside at nearly twice the price. "I truly do not see on what reasoning this can be done in safe conscience and without the obligation to repay them the losses that they have suffered."¹¹⁵ The entire disputation underlines the mutual implication of economics and politics, the key importance of

fails to win its case, it will have to obey even against its will. Alfonso de Castro, *De potestate legis poenalis*, lib. I, cap. 1, in *Opera omnia* (Paris: 1571), cols. 1520–21.

¹¹³ Molina, *De iustitia et iure*, tract. 5, disp. 69, n. 1: "A law will be honourable, just, possible, according to nature, according to the custom of the country, appropriate to place and time, necessary, useful, and also clear . . . laid down for no personal advantage, but for the common utility of the citizens."

¹¹⁴ Ibid. See Chafuen, *Faith and Liberty*, 85–90, for the problem of the "legal price" in the late scholastic economic theory more generally.

¹¹⁵ Ibid., n. 2.

securing just conditions of exchange in order to serve the broader political ends of the commonwealth.

In conclusion, therefore, Molina's endorsement of a Thomist teleology of the commonwealth and of human law, deriving from God and part of a process of salvation that will eventually lead back to him, does not imply any unquestioning obedience to human power and human law. Although legislation involves a virtue that goes beyond commutative justice, it is centrally concerned with both enforcing and providing for such justice, and legislators are themselves subject to its rules and liable to repairing any damages that they have caused. The powers that be are *both* ordained of God and contractually instituted: the commonwealth has its own power, which prevents it from being reduced to a mere object of *dominium* on the part of its rulers, and, although subjects are bound in conscience to obey the laws of those rulers, the process of legislation must involve the subjects themselves, or at least the possibility of it. The overall tenor of the discussion suggests a politically critical approach to the specific exercise of power on the part of rulers (especially kings), simultaneously with a spiritually informed sense of the value and function of law and power in human life overall. Molina implicitly demands both of rulers and of subjects a sophisticated understanding that holds both of these aspects simultaneously in play.

SLAVERY BETWEEN LAW, MORALITY, AND ECONOMY

Matthias Kaufmann

INTRODUCTORY REMARKS

The first treatise of Molina's work *De iustitia et iure* (comprised of 13 disputations) is concerned with justice, law, and right in general—providing a mostly traditional survey of the different uses of *iustitia* (disp. 1) and *ius* (disp. 2), as well as their parts like divine law, natural law, positive law, and so on (disp. 3–7). Furthermore, it deals with justice and injustice, with the nature of justice and its divisions and different meanings of “just,” referring explicitly to qq. 58–63 of the IIaIIae of Thomas Aquinas's *Summa theologiae*.

The second treatise is dedicated to commutative justice concerning external goods (*De iustitia commutative circa bona externa*) and contains 760 disputations filling nearly three of the six volumes (i.e. about 2,000 pages of folios) of the whole gigantic work. Right from the beginning Molina makes it clear that in this context the best definition of *ius* is “a faculty to do something, to receive something, to maintain something or to act in any way, so that whomever hinders the one who has it without legitimate reasons, is doing him a legal wrong, an injustice. Understood in this way, *ius* is quasi a measure of injustice.”¹ And it is precisely this definition, which obviously refers to what is later labeled “subjective right,” that will be important in Molina's treatment of slavery. Molina then goes on

¹ Luis de Molina, *De iustitia et iure*, tr. II disp.1 1; editio novissima (Moguntiae: 1659), col. 27. Because of the large number of editions, some of which are not easily accessible, we decided to give the quotations from DIEI in this volume with something along the lines of a concordance system: using (1) the first edition of the first three volumes from Cuenca and the edition of volumes IV and V (Antwerp: 1609) as arranged by his Jesuit brothers from the collegium of Madrid, (2) the editions de facto employed by the authors of this volume and (3) the quotation with treatise, disputation and number, as they are to be found in the Mainz editions from 1614 and 1659 as well as in the Geneva edition. For pragmatic reasons we will mention first treatise, disputation and number, then column and the part of the page signed with the letter A, B... finally the columns of the Venice and/or Cologne edition. In this chapter, I will use the editio novissima (Moguntiae: 1659) referring to treatise, disputation and number. The respective places in other editions may be localized via the concordance at the end of this volume.

to explain different kinds of rights, *ius ad rem* and *ius ad re*, *dominium*, possession, usufruct, property, and so on.²

Having explained the distinction between a *dominium iurisdictionis* and a *dominium proprietatis*, that is, between political power and property,³ and after he has provided a justification for the necessity of both kinds of *dominium*, Molina copes with various aspects of property, dedicating not only a whole volume to the theory of contracts but also long reflections to tributes and crimes concerning property rights. One of these aspects is his theory of war.⁴ He justifies its treatment in this context by stating that it has more to do with justice than it does with charity, with which it is connected in Aquinas's *Summa theologiae* (i.e. in IIaIIae q. 40 [tr. II disp. 98]).

The first nine disputations on *dominium proprietatis* are exclusively dedicated to the property of rational beings (i.e. of human beings), and that means to the problem of slavery. In addition to this more or less closed treatise of a little more than 57 columns, there are a number of scattered remarks and arguments in varying contexts of the opus. Molina starts with the question whether one man can have a *dominium proprietatis* in another man, and if so, which titles might justify such an extreme form of dependence and submission. What makes Molina's treatment of the topic particularly interesting—apart from its length, which is rather rare among his contemporaries—is a specific combination of description and evaluation; an approach concerned both with the subjective rights of masters and those of slaves. To make this clearer, we will have to consider Molina's views in the context of the history of the modern slave trade, especially in the late 16th century.

I. SLAVERY IN THE LATE 16TH CENTURY

After having been tolerated in Europe during late medieval and early modern times, in which a “culture of looking away”⁵ had developed, from our perspective the notion that slavery, on the whole, was not well accepted or popular in Europe in the late 16th century almost seems

² See J.A. Tellkamp in this volume.

³ See A. Brett in this volume.

⁴ See Fernandes in this volume.

⁵ Norbert Brieskorn, “Die Rechtsinstitution der Sklaverei in der Beurteilung der spätmittelalterlichen und frühneuzeitlichen Kanonistik,” in *Proceedings of the 11th Congress of Medieval Canon Law*, ed. Manlio Bellomo/Orazio Condorelli (Vatican City: 2006).

paradoxical.⁶ “There were signs of a popular anti-slavery reflex,”⁷ which also included propagandists of absolute monarchy such as Jean Bodin. He dedicates a whole chapter of his *Six livres de la République* to the question of whether a well-ordered republic should accept slavery and comes to a negative conclusion, saying that slavery is against nature, explicitly rejecting Aristotle’s point of view in favor of “popular opinions.”⁸ There were a number of cases where the importation of slaves was even prohibited by local authorities. And while many merchants from Western Europe would soon be investing their money in the transatlantic slave trade, “it is significant that beyond a scattering of servants in Spain and Portugal, there were very few true slaves left in Western Europe by the end of the sixteenth century.”⁹ It may be of interest that Bodin discusses as “candidates” for possible enslavement mainly thieves and the “innumerable vagabonds” on French streets. Perhaps he would have seen things differently regarding the enslavement of “pagan” Africans.

At nearly the same time, serfdom had disappeared in many parts of Western Europe—1574 in England, much earlier in France—whereas it persisted until the 19th century in Middle and Eastern Europe. In Germany serfdom became even more harsh for the peasants in the early 16th century, causing extremely violent revolts called *Bauernkrieg* or “the revolution of the common man” in 1525, which ended in terrible slaughters and cruel oppression.¹⁰ Interestingly, the Spanish theologians rarely commented on these events even though they dealt intensively with the opinions of the German reformation and Emperor Charles V was king of Spain and Germany. Just as a reminder: European slavery was rooted in the Greek and mainly Roman legal traditions, whereas serfdom is originally closely connected to medieval feudalism. Though the word *serf* in Old French comes from the Latin *servus*, the state of a serf is more similar to that of the Roman *colonus*, although there were still differences.¹¹ Serfs are peasants who have to deliver large percentages of their production

⁶ Seymour Drescher, *Abolition: A History of Slavery and Anti-Slavery* (Cambridge: 2009), 66.

⁷ Robin Blackburn, *The Making of New World Slavery* (London: 1997), 61.

⁸ Bodin 1993 (1583), I 5, 59–61.

⁹ Blackburn, *The Making of New World Slavery*, 62.

¹⁰ Peter Blickle, *Der Bauernkrieg: Die Revolution des Gemeinen Mannes*, 4th ed. (Munich: 2012).

¹¹ For some indications on the *coloni* see Hans Wieling, *Die Begründung des Sklavenstatus nach ius gentium und ius civile* (Stuttgart: 1999), 12, and the texts from Roman codices mentioned there and gathered in the volume.

to the lord of the manor and to a certain extent had to work for him. They are not allowed to leave their master's ground and must not marry without his permission. If a serf who owns land or a house dies, in many cases his master inherits at least a part of it. The legal situation of serfs is not homogeneous over the different times and regions of medieval and early modern Europe, because it is constantly submitted to conflict and negotiation.¹² But in contrast to slaves, they cannot be bought and sold apart from their piece of land.

The system of *encomiendas* introduced by the Spanish Crown in South America in 1503, and even earlier on the Canary Islands, had some similarity to serfdom, because the indigenous population was forced to work for the *encomenderos* who were, however, originally not owners of the land and therefore could not pass it down to their offspring. In fact, the situation of *indios* was worse than that of slaves, because they were of no worth to their masters, who did not care at all for their survival. The attempt of Emperor Charles V to protect and set free the Indian population, celebrated by Molina, caused an uprising of the *encomenderos*, which led to the situation that his orders were partly mitigated, partly accepted on a formal level, and at first neglected in practice.¹³ Nevertheless, in the long run Spanish and Portuguese authorities seem to have had some success in protecting Indians, increasing the difference between their treatment compared to that of African-descendent slaves, for whom European conscience was much less concerned.¹⁴

The extreme diminishing of the indigenous population by the Spaniards and the Portuguese oppression, as well as by various diseases, was one of the reasons why the transatlantic slave trade with African slaves increased rapidly during the 16th century. Another reason was the enormous demand for slave labor in the silver and copper mines as well as the sugar plantations in Brazil, which increasingly started to replace those of Madeira and the Canary Islands. The nearly explosive development of the Brazilian economy and, therefore, of the slave trade from Africa just happened to start in the 1570s, thus shortly before Molina started to write his *De iustitia et iure*.¹⁵

¹² Peter Blickle, *Von der Leibeigenschaft zu den Menschenrechten: Eine Geschichte der Freiheit in Deutschland* (Munich: 2003).

¹³ Robert Himmerich y Valencia, *The Encomenderos of New Spain, 1521–1555* (Austin, Tex.: 1991).

¹⁴ David Brion Davis, *The Problem of Slavery in Western Culture* (Oxford: 1966), 171, 181.

¹⁵ Herbert S. Klein, *The Atlantic Slave Trade* (Cambridge: 1999), 27f.; Blackburn, *The Making of New World Slavery*, 168f.

Portuguese trade with African slaves started as early as 1442, and from the very beginning there were violent raids on African villages where captives were taken and later sold on the Hispanic Peninsula. There is a moving if not to say heartrending report by the royal chronicler Gomes Eanes de Azurara (sometimes named Zurara) about a raid of slave hunters led by the adventurer Lançarote for Prince Henry the Navigator in 1444, describing intensely the pain, despair, and sadness of those who were captured, taken away from their homes and separated from their kinship. Nevertheless, in the end, Zurara justifies the whole procedure by proclaiming the “salvation of those souls that before were lost.”¹⁶ Obviously, there was a sense of injustice and immorality concerning this treatment of human beings, a feeling of guilt that was only partially mitigated by the fiction of a crusade aimed at the conversion of as many pagans as possible. Later Portuguese were referred to the papal bulls *Dum Diversas*, *Romanus Pontifex*, and *Inter Caetera* from the 1450s, which permitted enslavement by the Portuguese allegedly for the sake of conversion.¹⁷ Nevertheless, there was an enormous and constant pressure to provide a justification, which also seems to have motivated racist vindications of slavery, some of which—including Zurara—gave religious legitimizations of racism.¹⁸ The most important of these—“Noah’s curse”—was used for a number of centuries. Even in the 20th century this idea lived on in a “secularized,” so-called scientific version: in Genesis 9:20–27 Noah condemns his son Ham, who had laughed at him when he was lying naked because of unforeseen drunkenness and says that Ham’s son Canaan and his offspring will be slaves forever. It is still not clear when and how this malediction came to be applied to black people. While there are hints that 3rd- and 4th-century church fathers like Origen, Augustine, and Ambrose of Milan made this connection, some theologians insist that no Christian authors are to be found at the origin of this story. Instead, “it appears that race and slavery were first consciously combined in readings of Genesis 9 by Muslim

¹⁶ Robert Edgar Conrad, *Children of God’s Fire: A Documentary History of Black Slavery in Brazil* (Princeton, N.J.: 1983), 5–10; Gomes Eanes de Zurara, *Crónica dos feitos da Guiné* (Lisbon: 1989). Charles Raymond Beazley, *The Chronicle of the Discovery and Conquest of Guinea Vol. 1* (Cambridge: 2010).

¹⁷ James Sweet, “Spanish and Portuguese Influences on Racial Slavery in British North America, 1492–1619,” in *Collective Degradation: Slavery and the Construction of Race, Proceedings of the Fifth Annual Gilder Lehrman Center International Conference at Yale University 2003*.

¹⁸ Notwithstanding the anachronism in attributing a term like “racism” to early modern writers, I will continue to use the term meaning that somebody mistreats people because of their skin color or justifies such mistreatment.

exegetes during the ninth and tenth centuries, though these authors claim to draw on rabbinic literature.”¹⁹ Regardless of whomever was “responsible” for this connection of sin, curse, and race in the first millennium, in the 15th century we find the view that the blacks of Guinea were the descendants of Ham, called Hamites, and, therefore, bound to be slaves.²⁰ Zurara himself made use of this claim to justify the terrible events he describes.²¹ Interestingly, he speaks of Noah’s son Cain, confounding Cain with Canaan. Perhaps the wider distribution and, therefore, better knowledge of the Bible from 16th century onwards following the inventions of Gutenberg actually favored the proliferation of this kind of racism, as has sometimes been suspected. Nevertheless, the version presented by Zurara seems to have persisted over the centuries in one form or another—in a dialogue between a Brazilian miner and a Portuguese lawyer published anonymously in Lisbon in 1764 under the title *Nova e Curiosa Relação*,²² the point takes a somewhat curious turn: the miner draws on the biblical argument speaking about blacks as descendants of Cain, just as Zurara had done. The lawyer, certainly aware of the error, does not attempt to correct him. Instead he claims that since all but eight persons, none of which was black, were drowned in the universal flood, there could be no offspring of Cain with a different color.²³

In the middle of the 19th century, William Lloyd Garrison, one of the most prominent American abolitionists, mentions Noah’s curse only in a mocking sense.²⁴ However, for proslavery southern intellectuals, “it was still held to be definitive proof that the enslavement of black Africans

¹⁹ Stephen R. Haynes, *Noah’s Curse: The Biblical Justification of American Slavery* (New York: 2007), 7; Benjamin Braude, “The Sons of Noah and the Construction of Ethnic and Geographic Identities in the Medieval and Early Modern Periods,” in *William and Mary Quarterly* 54, 1 (1997). After all, it is not that clear that, e.g. Origines is completely “innocent”: “Look at the origin of the race and you will discover that their [the Egyptians’, M.K.] father Cham, who had laughed at his father’s nakedness, deserved a judgment of this kind, that his son Chanaan should be a servant to his brothers, in which case the condition of bondage would prove the wickedness of his conduct. Not without merit, therefore, does the discoloured posterity imitate the ignobility of the race.” Origines, *Homilies on Genesis and Exodus*, trans. and ed. R.E. Heine (Washington, D.C.: 1982), 215.

²⁰ William McKee Evans, “From the Land of Canaan to the Land of Guinea: The Strange Odyssey of the ‘Sons of Ham,’” *The American Historical Review* 85 (1980).

²¹ Gomes Eanes de Zurara, *Crónica dos feitos da Guiné* (Lisbon: 1989)/Charles Raymond Beazley, *The Chronicle of the Discovery and Conquest of Guinea Vol. 1* (Cambridge: 2010), 54.

²² This text was found by Charles Boxer in 1962 and published as an English translation in 1964.

²³ Conrad, *Children of God’s Fire*, 204f.

²⁴ William E. Cain, *William Lloyd Garrison and the Fight against Slavery: Selections from the Liberator* (Bedford: 1995), 76.

was God's will."²⁵ Moreover, it was used in the discussion that took place amongst American Jews on their position towards slavery.²⁶ Nearly 100 years after Molina, the famous Jesuit preacher Antonio Vieira, in a sermon held for slaves in Bahia (Brazil) using Aquinas's interpretation of Psalm 41, referred slavery to the sons of Korah²⁷ who are suffering the passion of Christ and therefore will have a good fate in heaven.²⁸ However, none of these racist vindications can be found in the works of Molina, neither as a general license for enslaving Africans with reference to the previously mentioned papal bulls, nor anything like a transfer of the arguments which people like Sepulveda and Caxa had directed against the Indians in Mexico and Brazil.²⁹ Taking into account how widespread and common racism and arguments of the like were, this is of some importance.

While at this time the slave trade to the Hispanic Peninsula and the Atlantic islands was quite extensive, it still did not approach the mass deportations of later centuries.³⁰ A remarkable change took place in late 16th century. During the first part of the 16th century, private households, lawyers, artisans, and farmers tended to have one or two slaves and accounted for roughly 10 percent of Lisbon's total population—a figure taken from a census for the year 1550, where 9,500 African slaves were officially counted.³¹ By the end of the century prices for African slaves were rising rapidly due to the labor demand in the American colonies. In 1570 it was possible to buy a slave in Africa for 22 ducats and to sell him for 64 ducats in Spain. By 1595 one had to pay 60 ducats in Africa but might get 150 ducats selling him to America.³² Over the next two centuries, the slave trade—mainly to the Americas—was a highly rational, thoroughly calculated modern type of enterprise, following the rules of capitalist

²⁵ Stephen R. Haynes, *Noah's Curse: The Biblical Justification of American Slavery* (New York: 2007), 67.

²⁶ David Brion Davis, *Slavery and Human Progress* (Oxford: 1984), 83.

²⁷ Vulgata, Psalmi 41ff., 83ff. Thomas Aquinas, Super Psalmo 41: Core interpretatur Calvaria. Unde illi dicuntur filii Core qui patiuntur irrisiōnem propter crucem.

²⁸ Antonio Vieira: *Sermões*, Tomo I + II, ed. Alcir Pécora (São Paulo: 2000). Tomo I, 650; cf. Vilela, Magno, *Uma questão de iguadade: Antonio Vieira e a escravidão negra na Bahia no Século XVI* (Rio de Janeiro: 1997).

²⁹ Anthony Pagden, *The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology* (Cambridge: 1982), 109ff., José Eisenberg, "Cultural Encounters, Theoretical Adventures: The Jesuit Missions to the New World and the Justification of Voluntary Enslavement," in *Politische Metaphysik*, ed. M. Kaufmann and R. Schnepf (Frankfurt am Main: 2004), 139ff.

³⁰ Herbert S. Klein, *The Atlantic Slave Trade* (Cambridge: 1999), 28.

³¹ Blackburn, *The Making of New World Slavery*, 113.

³² *Ibid.*, 113.

rationality; far away from Weber's characterization of it as an atavistic residuum. It gave rise to the development of an agrarian industry, which made products like sugar available for a broader spectrum of people in the European metropolises. It seems as if Molina had a certain sensitivity for this kind of change, for, on the one hand, he gives advice to those who have one or two slaves if they have doubts concerning the legitimacy of their status, and, on the other, he describes several market mechanisms for the acquisition and transport of slaves overseas.

II. JUSTIFICATIONS OF SLAVERY AND THE TITLES OF "JUST" ENSLAVEMENT

As Molina's treatment of slavery is ordered in a relatively fixed architecture, we will follow his construction, occasionally taking into account his treatment of sources, not only the Roman law and church law tradition, the Holy Scripture, Aristotelian-type arguments, writings of his contemporaries and scholastic predecessors, but also different collections of positive laws such as *Las siete partidas del rey Alfonso*. At first glance it would appear that Molina's justification of slavery as well as his explanation of the four titles of just enslavement, which we shall discuss in this section, follow the traditional lines of Roman law taken together with a number of additions and modifications from Aristotle and the Holy Bible, as well as from conceptual developments made in the Spanish scholastic debates. However, upon closer inspection, there are quite a number of remarkable aspects that show his originality and his thoroughgoing analysis of this complex and delicate subject. Molina is a well-trained scholastic, and therefore is used to quoting his sources by attributing his own positions to them. This holds true of his references to Aristotle, to Roman law, and to canon law, as well as to the Holy Scripture or the church fathers.

Following Molina's order we will, therefore, begin with the justification of slavery as such, that is with the arguments used to justify that a man may own or possess another man. We will continue with his presentation of the different titles possibly attributing a right to possess an individual, and subsequently look at Molina's report regarding the development of the Portuguese slave trade in the 15th and 16th centuries. Molina then goes on to treat a number of special questions, for instance, what a slave-owner has to do if he is not sure about the legitimacy of his servant's enslavement, whether there are cases in which a slave might have the right to flee, what rights do masters have—and which rights are attributed to slaves. It is quite remarkable to think that Molina might have been

the first to speak of a slave's *ius qua homo*, as we shall see. Finally, he deals with the conditions of liberation and asks about the consequences for slaves in the not so seldom event that their master is persecuted or judged by the Inquisition.

2.1. *How Can a Man Be the Property of Another Man?*

From the very beginning Molina makes it clear that the *dominium proprietatis*, which is relevant for the issue of slavery, depicts a type of relation between a master and servant—and not just any kind of slave but only legal ones in accordance with the differentiation Aristotle makes between natural and legal slaves.³³ Molina accepts that there may be cases in which people who are somehow dull and crude, yet physically strong, cases in which certain persons are more apt to obey than to rule and, therefore, submit themselves to others in order to be governed to their own advantage. But for him this is not, strictly speaking, slavery. Clearly, one has to help them, and we may expect their obedience as compensation for this assistance as well as for their own benefit. However, this form of “slavery” is more closely related to the question of equity than it is to matters of justice. The mental weakness of these people does not give anyone any kind of right over them.

Molina's opinion here is very similar to the positions held by Francisco de Vitoria³⁴ and the view that Domingo de Soto presented in his volume bearing the same title *De iustitia et iure*. Vitoria and Soto depart from the positions of theologians like John Mair and lawyers like Juan Ginés de Sepúlveda³⁵ as well as from Aristotle in a certain respect. In the beginning, Soto's arguments concerning slavery look rather traditional: according to both natural law and the *ius gentium*, one man can be master over another. Following Aristotle's distinction, he explains natural slavery as a situation in which men of a more sophisticated mind³⁶ dominate those

³³ *Politics* I 5–6, 1254b15–1255a11.

³⁴ António Manuel Hespanha, “Luis de Molina e a escravização dos negros,” *Análise Social* XXXV (157) (2001).

³⁵ Juan Ginés de Sepúlveda, *Tratado sobre las justas causas de la guerra contra los Indios*, repr. ed. (Mexico: 1979); Anthony Pagden, *The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology* (Cambridge: 1982); Giuseppe Tosi, “The Theological Roots of Subjective Rights: dominium, ius an potestas in the Debate on the Indian Question,” in *Politische Metaphysik*, 127ff.

³⁶ “homo elegantioris ingenij,” Domingo de Soto, *De iustitia et iure* (Terranova: 1573), 266.

with a more crude one. In the same sense in which the intellectual soul occupies a position far above that of the corporal soul in man, it is natural for a wise man to rule over a person with a weak mind. This kind of natural slavery is right because it is human nature to live in accordance with reason. But when de Soto, after his discussion of different forms of legal slavery, returns to natural slavery, he insists, contrary to the Aristotelian tradition, that he “who is master by nature cannot use his slaves by nature like the other things he possesses to his own commodity, but more like his children and human beings of their own right with respect to their good, which means that he teaches them morals.” From this statement it is clear that this kind of slavery does not take away freedom; it is of a different nature than slavery stemming from vending one’s own person or from being captured in a war. We do not acquire any right over them if we submit them to our power. Moreover, we are not entitled to take their possessions, since there are also slaves by nature within Christian towns and no one is allowed to take away their possessions. This has clear consequences for our treatment of more simple peoples: only those who act like wild beasts, who do not keep to their agreements, who rage against others, and rob whenever they can, may be subjugated by means of violence.³⁷ This topic is treated more extensively, Soto says, in another short work.

Molina gives an extremely abbreviated version of Soto’s argument on this point. While the question concerning the proper treatment of allegedly less gifted human beings had been so passionately discussed in the famous disputations at Valladolid in 1550 and 1551,³⁸ where Bartholomé de las Casas argued against Sepulveda along similar lines to those drawn by Soto (who was one of the members of the *junta*) and Vitoria, it looks as if the “Indian question,” theoretically speaking, had more or less already been “settled.” Partly because the Indians had won more and more sympathies among the Spaniards and Portuguese, and partly due to the fact that in some regions they were submitted to nearly complete extinction, the center of discourse had moved to the treatment of slaves of African origin.³⁹

³⁷ DIEI lib. IV, q. II, art. II, Lyon 1569, 102ff. (Terranova: 1573), 265ff.

³⁸ Bonar Ludwig Hernandez, *The Las Casas–Sepulveda Debate*, 2001, *Ex Post Facto* (San Francisco State University) X; Giuseppe Tosi, “The Theological Roots of Subjective Rights: dominium, ius an potestas in the Debate on the Indian Question,” in *Politische Metaphysik*; Mariano Delgado, “Die Rechte der Völker und der Menschen nach Bartolomé de Las Casas,” in *Politische Metaphysik*.

³⁹ David Brion Davis, *Slavery and Human Progress* (Oxford: 1984), 65.

Molina differs from Soto insofar as he sees slavery in general as a legal institution, not as a natural relation between human beings. With respect to those who are mentally weak and physically strong, and thus are more apt to obey than to command, he says that one may only improperly speak of slavery in the case where the nature of things postulates (due to some kind of equity, not of justice) that these beings submit themselves to more wise and sophisticated persons for the sake of their own benefit.⁴⁰ Consequently, that a particular group of people happens to be crude and barbaric, and thus might be better off being ruled by others—Molina mentions the *Brasilienses* and *Aethiopienses* (i.e. black African people)—cannot be a sufficient reason for a war to enslave its members.⁴¹ Molina also follows Vitoria against John Mair and others in saying that idolatry cannot be a reason for just war and enslavement either.⁴² He goes even further insofar as he also rejects one of Vitoria's accepted titles for war against the Indians (i.e. the hindering of free trade):⁴³ it is only in cases of extreme necessity that someone has a right to be accepted somewhere, whereas whoever rules a certain territory will clearly have the right to decide who will be allowed to participate in the trade in this region.⁴⁴

Furthermore, Molina does not make use of any of the various religious foundations for racist justifications of slavery, which were already circulating in his times. Real slavery is what Aristotle calls the civil or legal one by which the slaves become those living tools he speaks about. The label *servus*, slave, according to Molina, who follows the *Institutiones*⁴⁵ of Roman law literally on this point, comes from saving—a *servando*. It is derived from the idea that a commander who could have legally killed his enemy in deciding to save his live transforms death into perpetual slavery. The other usual term for a slave is *mancipium*, which comes from *manu captum*. In such cases slavery is something favorable for those captured given that the alternative to servitude is losing their lives.⁴⁶ That it is better to continue living as a slave than to be killed by the victor is an unquestioned premise (though there were a number of exceptions where the well-known sense of honor led people to decide the opposite way) taken from Roman law, at least until the 17th century, when people

⁴⁰ II 32 1.

⁴¹ II 105 8.

⁴² II 106 2.

⁴³ De indis III 2.

⁴⁴ II 105 2.

⁴⁵ Lib: I Tit. 3 De iure personarum § 3.

⁴⁶ II 32 2f.

like Vattel⁴⁷ and Kant⁴⁸ objected to it.⁴⁹ Nevertheless, it can be said that a slave obviously preferred slavery to death because it was his choice—although this does not justify the enslavement of children.

Yet, Molina does not seem completely convinced of the legitimacy of slavery, neither by the explanation as to how slavery was allegedly introduced, nor by the common opinion of the doctors referring to civil and canonic law. His dissatisfaction leads him to add a considerable number of proofs stemming from the old and new testaments as well as from different synods and councils.⁵⁰ Finally, he responds to a possible objection, which refers to a passage from the *Institutiones* (repeated in the *Digesta*),⁵¹ concluding that slavery was not permitted because it goes against the law of nature: if there were only the first constitution of things, without any special circumstances, this would be true because in this situation we would all be free. However, because there are certain circumstances which also make necessary the distribution of goods and its enforcement, slavery as an institution of *ius gentium* is allowed.⁵²

2.2. The Four Titles of “just” Enslavement

Molina goes on to explain the four titles justifying the enslavement of a human being who had previously been free. After this, he makes it clear at the very beginning of disputation 33, slaves can be legally transferred just as any other form of property (i.e. they can be sold, donated, exchanged, or inherited). The four legal titles are—in short—being captured in a just war, having committed a crime that is worthy of such a hard punishment in the eyes of the relevant authorities, having sold oneself or having been sold by one’s parents due to extreme poverty, and being born to a mother who is a slave. Whereas those four titles have more or less belonged to the tradition since Roman times,⁵³ the difference in the intensity of Molina’s

⁴⁷ Cf. Drescher, *Abolition: A History of Slavery and Anti-Slavery*, 71.

⁴⁸ Metaphysics of Morals, Doctrine of Rights, § 49, rem. E.

⁴⁹ See also Norbert Brieskorn, “Die Sklaverei in der Beurteilung des P. Luis de Molina, S.J.,” in “... usque ad ultimum terrae.” *Die Jesuiten und die transkontinentale Ausbreitung des Christentums 1540–1773*, ed. Johannes Meier (Göttingen: 2000), 91, referring to Rousseau, *Contrat social* II 4.

⁵⁰ II 32 5f.

⁵¹ Lib. I, Tit., 3 § 2; also Digesta 1,5,4 Pr.: “Libertas est naturalis facultas eius quod cuique facere libet, nisi si quid vi aut iure prohibiter. *Servitus* est constitutio iuris gentium, qua quis dominio alieno *contra naturam* subicitur.”

⁵² II 32 7.

⁵³ Digests I,5,5,1, Siete Partidas, Part. IV, Tit. 21, 1.

discussion offers some insight into the then current inner-Spanish debates on the issue as well as on the points where he, for these and similar reasons, obviously sees a necessity for explicit justifications.

The first title—enslavement of those who are captured in a just war—is discussed here rather briefly. This is, firstly, because everything seems to be clear (at least Molina says that nobody doubts it), and, secondly, because there is a more intensive reflection on these questions within the context of his treatment of just war.⁵⁴ Although the topic is not really treated at length there either, a number of helpful indications nevertheless may be found. In any case, Molina confirms that it is just to convert a prisoner of war into a slave, thus transforming his death into perpetual slavery.⁵⁵ By customary law, Christians are protected from enslavement by other Christians, even if they are guilty.⁵⁶ However, they can be made slaves by nonbelievers if they (the nonbelievers) are waging a just war—for the *ius gentium* is the same for all.⁵⁷

Going beyond the general rejection of slavery, from a modern perspective it is especially difficult to accept that Molina justifies the enslavement of the innocent members of the state (e.g. children) against which a just war is being waged. In his discussion of just wars he joins the view of those scholars who hold that it cannot be permitted to kill innocent children even in a just war, regardless of whether one can assume that they will become enemies as soon as they are grown.⁵⁸ The same holds for people who are not members of the state such as pilgrims and merchants who are only temporarily living there. Deviating slightly from Vitoria, who says that women are innocent at least with respect to warfare,⁵⁹ Molina states that because women are usually supporting their husbands—as it was reported during the revolt at Granada (see below)—they cannot be as innocent as children.⁶⁰ As such, the task is now to understand why the innocent children of Turks, Saracens, and other non-Christian peoples may be enslaved. Since the state as a whole is seen as an enemy, it can, therefore, be punished collectively (both with respect to its members and their goods). In other words, punishing the guilty state might include the

⁵⁴ II 98–123, see the contribution of João Fernandes in this volume.

⁵⁵ II 33 1.

⁵⁶ II 120 1.

⁵⁷ II 33 1.

⁵⁸ II 119 4, approving Vitoria, *De iure belli* § 38, Francisco de Vitoria, *Political Writings* (Cambridge: 1991), 316.

⁵⁹ *De iure belli*, §§ 35, 36, Francisco de Vitoria, *Political Writings*, 315.

⁶⁰ II 119 3.

privation of all its goods, their territories, and even the liberty of its members. This punishment applies regardless of whether someone is personally innocent and may be applied to successive generations.⁶¹ It is worth remarking that while Molina accepts this form of collective guilt, which also applies to future generations, he never refers to the hereditary guilt of Ham's descendants. Furthermore, according to Molina, while it is not acceptable to kill hostages as the result of misbehavior on the part of their prince, it is allowed to place them in servitude.⁶²

Discussing the second title, Molina mentions types of delicts considered to be sufficient justifications for enslavement: Pope Urban II had allowed secular authorities to enslave women who married consecrated members of holy orders. Moreover, the council of Toledo added that the children of such a marriage should be slaves of the order to which the father belonged. Alexander III stated during the Lateran council that Christians who had delivered arms or iron for chains to the Saracens or who were working as captains or mates for Saracen pirates should become their capturers' slaves. According to the Institutions of Roman law, someone voluntarily set free by his master who then shows great ingratitude toward him may be punished by re-enslavement. Furthermore, someone who kidnaps a girl and flees with her to a church will be placed into servitude if it is clear that he used violence—the exception being the case where she has the capacity to consent freely and did so.⁶³

Molina deals more extensively (and repeatedly) with the debate whether, after the so-called Morisco revolt—a rebellion of the Arab and Berber people in the kingdom of Granada from 1568 to 1571 (Mármol Carvajal 1797)—only those who participated in the revolt can justifiably be made slaves or whether their children must also share their parents' fate. The main dispute revolved around the question whether the rebellion should be considered a crime against and within the kingdom of Spain, or whether it should be viewed as a war between two states. In other words, should the rebels be treated according to criminal law or the *ius gentium*? If the former, then only those responsible for their deeds could be judged. If the latter, the unjust actions of the Muslims, apostates from Christianity,⁶⁴ would have meant that it was just to enslave not only the participants of the revolt, but their children as well. Molina clearly

⁶¹ II 33 2; II 120 1, II 121, 4.

⁶² II 120 2.

⁶³ II 33 5.

⁶⁴ II 33 6–8.

opts for the second view, mainly because it was their own intention and their interpretation of their secession that they had a state of their own. However, he also felt that a strong deterrent must be in place to guard against a crime as terrible as apostasy.⁶⁵ Molina repeatedly states that in his view King Philip II, who had granted freedom to those children in accordance with his God-fearing, Catholic heart,⁶⁶ was not forced by his conscience to do so precisely for the reasons mentioned above.⁶⁷ Since Philip II was not known for being soft-hearted—it just happened to be at a time when his legate, the Duke of Alba, was exercising cruel oppression against the Dutch rebels—one may suspect that Molina's insistence had a strategic component: being hard on this point might have lent legitimacy to milder positions in other cases.⁶⁸

The fourth title, the condition of birth, seems to be fairly uncontroversial: every child of a female slave is a slave, regardless of whether the father is free or a slave, whether the child is the fruit of fornication or of a married couple. The reason for this is provided by the rude principle of Roman law: *partus sequitur ventrem*. Furthermore, this rule is more simple and more easily put into practice than those rules used in some regions according to which both parents have to be slaves; for there can be cases where the father is not always known.⁶⁹ Obviously Molina tries to avoid any involvement with the difficult details into which this general rule was diversified within Roman law.⁷⁰

There can be no doubt, however, that Molina's central theoretic interest lies in the title of selling oneself and being sold, which covers about 60 percent of the disputation. In a first step, he gives a justification and mentions the conditions for the legitimacy of selling oneself. Then he explains why and in which legal and material situations children may be sold by their parents. Molina next offers his perspective on the current discussion regarding purchasing those individuals condemned to death—and perhaps to be eaten—by their own people in Aethiopia or Brazil. Another section tackles the question whether it is an act of charity to take someone from these regions as a slave, thereby doing something for his christening and salvation.

⁶⁵ II 33 9–11.

⁶⁶ II 33 6.

⁶⁷ II 33 7, II 35, 2.

⁶⁸ Cf. Norbert Brieskorn, "Die Sklaverei in der Beurteilung des P. Luis de Molina, S.J."

⁶⁹ II 33 32.

⁷⁰ Cf. Hans Wieling, *Die Begründung des Sklavenstatus nach ius gentium und ius civile* (Stuttgart: 1999), 9–15.

The principal justification for the possibility of giving oneself into slavery is rather concise, simple, and dedicated: man is not only the master of his external goods but also of his honor and fame, and in the same sense of his freedom. Therefore, in the state of pure natural law, he can give it away and hand himself over to slavery. This is practice confirmed both by the deed of Bishop Paulinus of Nola, who went into slavery in exchange for the son of an old widow, and the prescriptions of the Old Testament (Deuteronomy 15 [7]) regarding what has to be done if a slave does not want to be freed after seven years (II 33:14): “then you shall take an awl, and put it through his ear into the door and then he will be your slave forever.” Nevertheless, someone who gives away his freedom without a good reason commits a sin far worse than that of squandering not only his money but also his honor and fame.⁷¹ Despite this caveat it has been observed that Molina, in this instance, applies his concepts of subjective rights and *dominium*. These are sometimes seen as revitalizations of Gersonian views, which emphasize a strong connection between *dominium*, *ius*, and liberty against the Dominican interpretation of Thomism. In essence, this means a weakening of the traditional Roman condition for selling oneself or one’s children into slavery from *extreme necessity* into *great necessity*. It will be difficult to give a precise account of the effects of this lowering of the threshold of “voluntary” enslavement, especially enslavement of children, but that there were effects seems to be clear. The more direct historic roots of this theoretical move are still disputed, since for some commentators the influence of authors from the Dutch university of Louvain, like Lessius, can be seen,⁷² whereas Jörg Tellkamp refers to Conrad Summenhart (see his contribution in this volume). There are, furthermore, conjectures that Molina does so in following his Jesuit brother Quirico Caxa, who had defended the “right” of the Indians to sell themselves in a debate that took place with his co-friar Manuel de Nóbrega in Brazil in 1567 via an exchange of letters between Bahia and Rio de Janeiro.⁷³ Even if Molina may have used Caxa’s arguments—for there are hints that he may have known them—he nevertheless “globalized” them in applying them to the differing situations in different parts of the world, paying attention to local restrictions.

⁷¹ II 33 15.

⁷² Richard Tuck, *Natural Rights Theories* (Cambridge: 1979), 51f.

⁷³ José Eisenberg, “Cultural Encounters, Theoretical Adventures: The Jesuit Missions to the New World and the Justification of Voluntary Enslavement,” in *Politische Metaphysik*, 378.

For example, Molina tells us that the *jus Caesareum*—Roman law, sometimes combined with regional peculiarities—requires the fulfillment of six conditions for such a vending to be valid: he who wants to sell himself must be more than 20 years of age, know that he is free, must allow someone else to sell him (for being able to receive a part of the price), that he who sells him, knows that he is free and he who buys him thinks that he is a slave. If one of these conditions is lacking, the acquisition is no longer valid. It is interesting that Molina describes these conditions as rules for a valid contract, whereas in the *Digests* they are seen as the punishment for somebody who fraudulently sells himself: normally, there is no legal possibility for a free man to make himself a slave. The conditions just mentioned make it clear both that a fraud against the buyer of the slave was being committed and that the person being sold is old enough to be responsible for his actions, and thus could be punished with eternal slavery.⁷⁴ This is a very nice example of how the scholastics used Roman law and other sources as best suited *their* purposes. Anyway, Molina immediately adds that this holds only where Roman law is valid and where all participants are subject to it. In any other situation the principle of natural law *volenti et consentienti non fit iniuria* makes such a vending legally valid, even if it may include a sin of prodigality.

A similar partitioning applies to the vending of children: according to the *jus Caesareum*, if a son or daughter is sold without *extreme and cogent* necessity and poverty, the transaction is null and void. Furthermore, if somebody offers a fair price or an exchange to the buyer, then the child is not only free, but *ingenuus* (i.e. has the status of someone who has never been a slave).⁷⁵ There are some doubts as to whether other kinds of necessity (e.g. a father being threatened with death or mutilation) gives him a right—along the same lines as extreme poverty does—to sell his children. Whereas Diego de Covarrubias y Leyva denies these exceptions, Molina supports this view. The situation is, again, different with people in Aethiopia and similar places: if a father or mother from this region is selling her son or daughter, then the child remains a real slave, even if a fair price is offered to buy the child back.⁷⁶

Doubt begins to creep in, however, when we look at those who are sentenced to death and perhaps even be eaten by their own people (e.g.

⁷⁴ Hans Wieling, *Die Begründung des Sklavenstatus nach ius gentium und ius civile* (Stuttgart: 1999), 25, D 40, 12, 37; D 40, 12, 7 pr.; D 40, 12, 23 pr.

⁷⁵ II 33 21f.

⁷⁶ II 33 29.

in Aethiopia or Brazil), and who could be spared this fate by paying a certain price for them: it is clear, Molina says, that they can be made slaves if they were justly sentenced to death, and it is even an act of piety to do so. If the person is going to be killed unjustly, then the question of legitimate enslavement becomes even more difficult. For in this situation, someone who is able to save the life and liberty of another person from violence and so on without suffering damage herself is obligated to do so. If she does not, then she commits a mortal sin against the rule of charity. How the situation is to be handled, if there is a relatively high price to pay, depends on the amount and on the financial situation of the condemned: if either the condemned person is able to pay the money back after having been freed or if the emptor has to pay much less than the price for someone who is bought for permanent slavery, then the person may absolve herself either by giving the money back or by working for a certain period of time. But if the price is equivalent to permanent servitude, he may become a perpetual slave. The argument that Molina gives for this is quite interesting: he who has the power to work and is able to serve is not to be seen as really poor, so we do not have an obligation from the rule of alms to give those people anything for free.⁷⁷ Instead, we may negotiate with them about working as long as necessary to absolve the price as well as generate a certain profit. The same holds if people are selling their children because of extreme poverty. It seems to be worth noting how clearly human labor, even the capacity of labor, is seen as a capital that can be invested in order to escape death.

The only thing that could be objected to here is that according to the rule of charity we have to, without any hesitation, offer assistance to those who are in extreme or at least great need. But because the precept of giving alms only obliges from the perspective of charity, not from that of justice, a contract made with a person in great need is just and valid despite being a mortal sin against charity. It might even be said that spiritual well-being is more important than physical well-being. As such, if someone is converted to Christianity as the result of his enslavement, becomes educated and is much better off than if he had remained free, then the precept of charity and alms does not require payment for him without an equivalent contribution from his side, rather it is acceptable to pay for the receiving of perpetual service in return. Molina shares Martin de Azpilcueta Navarrus's view in his *Manual de confesores y penitentes*

⁷⁷ II 32 31.

that the well-being of the soul comes with physical life. At any rate, it is clear that among Christians it cannot be that someone has to sell himself or his children due to overwhelming necessity/need, for other Christians have to come to his aid without personal gain or reward. Clearly, it would be better if the same applied to all other human beings. But as we are all aware, given the greed and avarice of our fellow men, there would not be very many who would help their neighbor without regard for their own situation (i.e. without the possibility of buying their perpetual enslavement).⁷⁸ For this reason, he concludes that it is “more pious” to allow this practice.

What we are faced with is a justification of slavery that already contains many doubts—even if it attempts to resolve them. The main problem concerning the topic of vending oneself is to explain how it can be just to enslave someone if there is an obligation of charity to help him without reward. Molina’s central argument takes up a utilitarian perspective in that if we operated in accordance with a general rule like this, there would not be much help for those who are starving.

So, as we can see, Molina provides thoroughly legal justifications for the enslavement of human beings, taking into account moral considerations in some cases, supporting legal rules and decisions with theological authorities in others. But he does not refer to any theologically or mythically founded general condemnation of those who are going to be enslaved.

III. HOW THE PORTUGUESE SLAVE TRADE DEVELOPED—AND IN WHICH CASES ENSLAVEMENT WAS JUST

In *disputatio* 34, Molina gives one of the early histories and descriptions of the modalities of the globalizing Portuguese slave trade. He begins with the discovery of the Cape Verde Islands in 1446, which were uninhabited and, therefore, appropriated by the Portuguese in accordance with the right of first occupation of the *ius gentium*, continues with the development of affairs along the coast of “Upper Guinea,” “Lower Guinea,” Manicongo, Angola, and today’s Mozambique, and finally ends with a few paragraphs concerning the situation in different Asian regions. We cannot follow Molina’s description in detail, nor discuss how far it is in accordance with

⁷⁸ II 33 30f.

our historical knowledge of the aforementioned developments.⁷⁹ Rather we will focus on three aspects which somehow already prepare the moral evaluations given in the next disputation: Molina's criticism of the general negligence of the Portuguese versus the question whether the slaves they bought were justly enslaved, the cases of just wars against African rulers, and the "ethnographic" description of the local social structure in southern Africa with respect to enslavement. A few remarks on the situation in Asia might be insightful since they give an additional impression of Molina's premises.

Molina explains the rules of taxation for slave traders who—despite the fact that slaves were not as cheap in this region as in lower Guinea—made such an enormous profit that they were able to give a quarter of the slaves they had bought to the Crown, and then give one-twentieth of the remaining slaves as a kind of tax. From the rest of the slaves still in his possession, the trader has to pay the "tithe" (the tenth), except on those slaves that he will take for personal use. Furthermore, of those that he still possesses, he has to pay another tenth as the so-called *sisá*, a local tax to which the local authorities are entitled by the king.⁸⁰

3.1. *The Portuguese's Negligence Concerning the Justness of the Titles of Enslavement*

On several occasions Molina describes in this disputation with obvious disdain how Portuguese slave traders are not at all interested whether there are just titles for the enslavement of those which they are buying or exchanging for other goods from African traders. Even if one has to admit that slaves could no longer be bought with worthless gifts—there were even controls in Cape Verde to make sure that the *infideles* were not defrauded, because otherwise this might jeopardize the safety of those Portuguese living among them (in this case the Tangosmaos). These are the people who head up the rivers to the places where slaves can be bought from the indigenes. While this region had but a few truly mighty kings, there were a number of smaller rulers waging war amongst each other, and who hunted members of the other tribes to sell as slaves. Another method of acquiring potential slaves involved the barbaric means of punishment certain tribes practiced such as the killing or enslavement of a

⁷⁹ For a specifically "African-Brazilian" perspective see e.g. Luiz Felipe de Alencastro, *O trato dos viventes: Formação do Brasil no Atlântico Sul* (São Paulo: 2000), 29ff., 44ff., 155ff., 247ff.

⁸⁰ II 34 1,2.

whole kinship for the theft of a chicken. Cannibalism, however, appeared to be a rather rare occurrence in the regions of upper Guinea, according to Molina. Slave traders who were asked about this lack of justification for the enslavement of those they bought and sold usually responded that to the best of their knowledge the slaves they purchase are justly slaves, and furthermore lead a better life now than they would have (i.e. naked and primitive in their land of origin). Again, to the best of their knowledge, no one was stolen or otherwise illegally obtained. Molina goes on to mention other excuses slave traders made use of and seems to consider it a scandal that neither the bishop of Cape Verde nor any of his priests has the scruples to give absolution to those Tangosmaos who ask for it. In other words, they are not intervening in the dark business of the slave trade. However, Molina then goes on to add that he is not judging, but only reporting on the situation (3–6).

The next important step taken by the Portuguese was the discovery and occupation of the Island of Holy Thomas—*insula Divi Thomae*, i.e. Sao Tomé—and the beginning of an intensive trade with the zone of lower Guinea, especially with the two kingdoms of Manicongo and Angola (which Molina elaborates in more detail). On the one hand, we encounter problems similar to those experienced in upper Guinea and later in Sofala in today's Mozambique⁸¹ regarding a lack of interest among the slave traders concerning the justness of enslavement. On the other hand, we have cases of just wars against African states so that the enslavement of their members was justified.

3.2. *Cases of Just Wars in Africa*

The first just war occurred in the region which we now call Angola, and its genesis is reported by Molina as follows: one of the regional kings of the so-called sobas, named Angola Inene (“what is said to mean great”), incorporated a number of his neighboring sobas into his *tributarii*, and then later signaled that he wanted to become a Christian. As a result, Portugal and Sao Tomé sent a number of priests and missionaries. But in reality, the king was interested in trading with the Portuguese and had found out that to do this he needed priests. So, the conversion was not a real success, and some of the priests ended up being killed. However, once he realized that this jeopardized his commercial relations to the Portuguese, he sent legates to King John III of Portugal asking urgently for more priests. He

⁸¹ II 34 17.

reconfirmed his wish to be baptized, praised the silver mines and the possibilities of slave trade in his kingdom.

Upon hearing of Angola Inene's death, and that his son, Dambi Angola, was now ruling, the king of Portugal benevolently sent a legate with priests and goods for slave trade. Dambi Angola acted more or less as his father had done: partially with false promises, partially with displays of violence in which he took the goods from the legates, killed some of them, and left others barely alive to be returned to their ships. Some of the priests were kept unjustly imprisoned as hostages for years where they eventually died as a result of the rough climate.

Then, in 1574, King Sebastian sent an armed mission to punish the injury that the Portuguese kingdom had suffered at the hands of this Aethiopean king. Molina insists that it was the need for punishment that was the reason for dispatching the armed mission, and not the rumors about silver mines and the slave trade. He affirmed that he himself had seen the document, written under the influence of those responsible for the king's conscience giving the order that all peaceful means of compensation for the damage should be pursued. As such, nothing more could have been done to justify the actions of the Portuguese in eventually waging a just war with the Aethiopean king.

When they arrived, they first established a governor's seat in the coastal town of Luanda, and then heard that Dumba Angola had died. His successor was Quilonge Angola, the great-grandson of Inene Angola. The Portuguese mission sent him a great number of gifts, honored his grandfather Dambi Angola, and reminded him of the Portuguese living in his court who had become his friends, and helped him in the wars with his neighboring sobas. After four years during which time they never caused any injury to him, driven by the cupidity for the goods on the Portuguese ships in his realm, Quilonge Angola insidiously killed the Portuguese living with him and started waging war on the Portuguese governor. The governor had, in the meantime, made a number of coalitions with other sobas, who fearing Quilonge Angola's hegemony, wanted to help overcome their common enemy. Because of the enormous injury done to the Portuguese by the different Angolan kings, and especially by Quilonge, their war was certainly a just war and, therefore, the enslavement of the people of Angola's realm was justified.⁸² The same holds for Monomotapa, a kingdom more or less in today's Zimbabwe (in the neighborhood of

⁸² II 34 10.

Sofala), which was a port city and is today a province of Mozambique. The king of Monomotapa, influenced by invidious Muslims, had killed a Jesuit father who had evangelized thousands of people, and destroyed the Christian churches.⁸³ According to Molina, here again, the Portuguese war was just, and, therefore, the enslavement of the population was justified as well. As we can see from these reports presented here at considerable length, Molina is eager to show that there cannot be any doubt regarding the just character of these wars. As a result, in his mind, there can be no doubt as to the justification of those enslaved as a result (directly and indirectly) of the wars.

3.3. *The Structure of Central African Societies and Its Effects on the Slave Trade*

Molina provides us with some insight into the political and social structure of the territories ruled by a soba as far as it is relevant to the slave trade (the so-called Mirinda). Every Mirinda consists of four social groups: the members of the first group are the free nobles and called the Mocotas. Members of the second group, the so-called sons of the Mirinda, consist of free men naturally born into the Mirinda, and are farmers or craftsmen. The third group consists of those referred to as the Quisicos. These are the slaves of the Mirinda and are handed over with the whole Mirinda to the successor of the soba. The institution of Quisico is so old that no one is really clear about its origin. Within these groups there is no written record; everything they know has been passed down verbally from their forefathers. The fourth group is referred to as the Mobicas, who are the slaves of the sobas and are private persons owned for their personal use. They are bought and exchanged for other kinds of goods. They are part of the wealth of rich men and are used for agriculture and other services. The children resulting from a relationship between a master and his maid-servants are slaves among them and are sold as easily as if they were not their own kin.

It is not unusual that people become slaves over the course of the ongoing wars and skirmishes between the different sobas trying to extend their territories. However, individuals can also become the victim of their own soba abusing his judicial power and making arbitrary decisions. Molina is outraged by the example of a boy who became a slave together with all of

⁸³ II 34 15f.

his kin because his brother had looked at one of the soba's wives. Other terrible examples that took place in Angola include the soba who owned peacocks, and anyone who steals a feather loses all of his possessions and is enslaved along with all of his relatives. Furthermore, it is often the case that if someone who owed a great debt to the soba dies, his kinship is given to slavery.

Obviously, the presentation of the internal structure of African societies with reference to the topic of slavery provided by Molina is rather selective. It is meant to show how arbitrary decisions concerning such difficult and fatal problems like the enslavement of individuals are made by the sobas. As such, they are not to be treated as legitimate by the Portuguese traders. And if they continue to trade with them, the bishop of São Tomé and others should try to talk some sense into them; but nothing of the sort happens, the situation is the same as in Guinea.

What we quickly realize is that Molina obviously does not speak about the noble savage or something of the like. On the contrary, he has a rather critical view of African societies and their members. Yet, in contrast to many of his contemporaries (as well as later theorists), he never attempted to turn this into a justification of enslavement.

3.4. *Enslavement in Asia*

With respect to the enslavement of Asian people, Molina differentiates between whether or not the Portuguese are engaged in a just war with rulers from different regions. This was the case with the king of Calecut, with whom the Portuguese waged permanent wars—only in 1586 had peace been allegedly made with him, according to Molina⁸⁴—and with the region labeled by many authors as Aurea Chersonessus. The latter sometimes refers to the Malayan Peninsula and occasionally includes the islands of Java and Sumatra, which had formerly been connected to the peninsula. The term is also used to refer to the island of Java; however, Molina contends that those who say the legendary Aurea Chersonessus is the island of Ceylon are right. It is a nice example of how closely related myth and geography were in this time of discovery and conquest.

Yet many slaves were deported from regions where the Portuguese were not involved in any kind of war such as Cambaia (today Khambhat in the west of India), Pegu (part of today's Myanmar), China, and Japan. Even

⁸⁴ II 34 18.

if hunger in some regions of India was a pressing matter, the Portuguese had to be careful because many times people not only sold themselves or their own children, which would be in accordance with the third title mentioned in disp. 33, but they also stole their neighbors' children to sell them to compatriots or to the Portuguese. Possession of such children was not only prohibited by an Indian province council, but also by the Portuguese Crown for all those living in regions under its control. As such, if one possessed such a child, given the low price paid for them, it would be prudent to set them free. For the Muslims living in this region it is forbidden under threat of severe punishment to buy or deport these kinds of slaves. However, Molina is not sure whether the Portuguese actually conducted a thorough examination into the legitimacy of the enslavement of those they buy and deport.⁸⁵ The situation is similar in Japan, where prisoners of war were sold to the Portuguese by local rulers. In such cases there were good reasons to doubt the justness of their wars. In China there is neither war—since the Chinese provinces “enjoy perpetual peace”—nor hunger, and therefore none of the titles for just enslavement are applicable. One exception is, perhaps, when pirates are captured by the Portuguese with the consent of the Chinese. Because he thinks that it is unnecessary to return to this topic in his general evaluation in disp. 35, Molina declares that all slaves of Chinese origin can only be victims of theft. In some cases their mothers had already been stolen, and therefore they have to be set free, because it is not allowed to keep stolen goods, even if one obtained them bona fide.⁸⁶

IV. MOLINA'S MORAL EVALUATION OF SLAVERY

In his next disputation, Molina deals with the considerable moral insecurity concerning slavery amongst god-fearing people, who do not wish to be involved in morally wrong activities, since some opinions claim that any form of slave possession is a capital sin (*lethalis culpa*). Furthermore, he speaks to the kings and their confessors who care for their spiritual well-being and, yet, are no more aware of these problems than the bishops of Cape Verde and São Tomé. On the one hand, he wants to calm their consciences, but, on the other, he tries to make clear distinctions between the various ways in which human beings become slaves and how they are

⁸⁵ II 34 19.

⁸⁶ II 34 20.

treated. In order to do this, a more detailed answer is needed than the general statement that those enslaved according to the titles mentioned in disp. 33 are kept legitimately, while the others are not. While there was a law decreed by Charles V, “worthy of a Christian Emperor,” granting freedom to the people of the New World, and another by “our most Catholic king,” Philip II, which granted freedom to the innocent children captured in the rebellion of the Moriscos, no such royal order concerning the problem of the slaves deported in the manner mentioned was given, despite the pressing moral insecurity. Molina’s explanation for this situation, which sounds more like an excuse, claims that if the kings ruling Portugal were aware of these difficulties, they would surely have asked competent and god-fearing men to propose adequate solutions. However, because the enslavement and deportation of slaves from Africa developed slowly over decades, and they did not want to criticize their predecessors, they had not really dealt with this question. In this way, Molina is able to indicate a serious moral problem without directly accusing the Portuguese authorities and jeopardizing himself or having his loyalty called into question.

Instead of a comprehensive treatment of this complex question, Molina says, solely to exonerate his own conscience, that he wants to separate the clear points from the less clear ones. This leads him to five conclusions:

4.1. *First Conclusion: The Clear Case of Just Wars*

If the slaves are taken from those places where the Portuguese are engaged in just wars, as determined in the foregoing disputation, then there is no need for closer examination by the merchants or those buying the slaves from them. This holds even after the war has ended as long as there is no good reason for suspecting unjust forms of enslavement. Along the same lines, once the war has ended, and there is no indication to the contrary, those who buy slaves from these regions may presume that the slaves were caught during the war or that they are offspring of women legitimately enslaved.

4.2. *Second Conclusion: The More Difficult Case of Criminals and Their Kin*

It is permissible, according to Molina, to buy in Guinea and the other places mentioned previously those who have committed a felony—a crime serious enough according to local rules to warrant a sentence of slavery. The purchase of this person’s wives, children, and other relatives, however, who are enslaved by local authorities because of the father’s

crime, or for other reasons, is not permitted.⁸⁷ The rule of thumb is that it is licit to enslave those who would otherwise have become a permanent galley slave or have received a slightly lesser punishment. Counted among such crimes are women who committed adultery, even if the Aethiopeans have more than one woman, and those having stolen an object of value or importance. But the theft of a hen—a lesser offense—would not count among these crimes, except when severe punishment of smaller crimes is necessary in order to maintain or to reestablish public order for the common good.⁸⁸ When compared with influential and nearly contemporary authors like Benedict Carpzow, it would appear that Molina stopped short of endorsing leniency with regard to the treatment of criminals—however, he does not seem to have been a proponent of draconian punishment either.

Molina repeatedly emphasizes that to enslave innocent people for a crime that a relative committed is not justly permissible.⁸⁹ Therefore, he urges the slave traders to make sure that the slaves they buy from the Africans are not unjustly enslaved. He does not accept the typical excuses of the traders, who are driven by their own greed and claim that their African partners will become upset if asked about the conditions involving the enslavement. Moreover, he asks them to teach natural law to the Aethiopes and make it clear that according to natural law, the holy Spanish law, and Christian religion, such business practices are not allowed, and should be refrained from. If the merchants do not want to undertake this inquiry themselves and if they know that their partners usually sell persons who are not justly enslaved, then they have to refrain from this kind of trade. Furthermore, if anyone has a reasonable doubt about the justness of the situation under which his slave may have been sold, then the slave's freedom has to be restored.⁹⁰

This provision about restoring the freedom of slaves, whose title of enslavement cannot be cleared, does not seem to carry much weight as long as slavery as such is allowed. On the other hand, Brazilian slaveholders held another view when in 1794 they expelled the Capuchin friar José de Bolonha (with the approval of the local authorities), because he insisted that they had the obligation to exercise this kind of self-control.⁹¹

⁸⁷ II 35 4.

⁸⁸ II 35 6.

⁸⁹ II 35 7.

⁹⁰ II 35 8.

⁹¹ David Brion Davis, *The Problem of Slavery in Western Culture* (Oxford: 1966), 196.

4.3. *Third Conclusion: Penury, Just Prices, and Market Mechanisms*

Next, Molina makes it clear that it is, indeed, just to buy or exchange people or their children for food in those regions of India where they are suffering from pressing penury. But it is unjust (*nefas*) to deny them food if they are offering a just price as well as to buy their children in situations where no urgent need exists. If one has done so, or if one has bought a child from a merchant that might have been sold without complying with the urgent need criterion, one has to give them back their freedom in order not to commit a sin against charity. Furthermore, it is unjust to buy children without diligent examination of the regions and conditions, for it might be the case that the sellers stole the children from their parents.

Nevertheless, if one person is offering a just price for food, and another offers his freedom, and assuming there is not enough food for both, it is licit for the buyer to choose the one who offers his freedom. This is because the enslavement is more useful to the one who buys and, in the end, it is better for the spiritual health of the heathen.⁹²

A special case is the problematic way of paying for slaves with cheap mirrors, with “half a cubit (cubit = vara = 83,59 cm in Spain, Portugal and South-America) of blue, green or red coloured drapery” or other objects made of glass or brass. In any case, the merchants, the Pomberos or Tangomaos—i.e. Portuguese who live in Africa among the Aethiopes—have extremely low costs when they buy these slaves. While they freely admit this, they feel their behavior is justified because they had to feed the slaves, many of whom died before they could be sold, and because no one would go to these unhealthy regions if not driven by the hope of extreme profit.

Molina then proceeds to explain why he would, from this point of view (*ex hoc capite*), not dare to condemn this kind of trade, nor had he read about anyone who had condemned it: even if for us these brass or glass objects are of little worth, among the people of these regions they are very rare and, therefore, highly esteemed, even if this is partially due to their primitive and wild nature. Furthermore, he repeats more or less the arguments of the slave traders (i.e. that the losses and personal risks are rather high). But he repeats that this statement is made “*ex hoc capite*”—in other words, from a special economic perspective: “And in this one must not look at the worth of a man insofar he is a man, nor insofar he was

⁹² II 35 9–11.

redeemed by the blood of Christ”—as someone had done who objected and condemned this trade—but only focused on the advantage that the merchant draws from the slave. Therefore, in accordance with his view of markets and prices,⁹³ Molina concludes that this kind of trade is not to be condemned under this criterion (*ex hoc capite*), if we look at the worth that is given to slaves and to goods in that region. However, he is not at all clear about how such a practice could develop over such a long time without anyone saying something about it and offering no argument for ceasing this activity. This already begins with the Africans themselves, who sell slaves for such worthless things as elephant hair or leopard's teeth.⁹⁴ In my view, this interpretation of the paragraph fits better into the whole of Molina's discussion—including his extremely harsh criticism of slave traders that will be cited below—than the Spanish translation by Fraga Iribarne, according to whom Molina does not want to criticize this practice at all.⁹⁵ This reading also fits the first sentence of Molina's treatment of the problem better, where he talks about the extremely low prices in lower Guinea and explains that there are “considerable scruples” (*non levis scrupulus*) regarding this subject. This passage therefore shows quite well, in my opinion, how Molina tries to combine, yet, at the same time, differentiate, an economic and a moral approach to the topics he discusses. This is confirmed in the following paragraphs: turning back to the situation in India, he explains that in times when hunger is not a grave problem, and relatively few people have to sell their children due to penury, those that do sell their children receive a sum between six and ten “pardaos” (a coin used in Portuguese India); an amount roughly equivalent to a quarter and half a pound of silver, and, according to Molina, a reasonable sum for a poor man at this time.⁹⁶ In the regions dominated by the Portuguese, the children sell for something between 15 and 50 pardaos. However, in times when there is great hunger, and children and parents alike are in danger of starvation, the parents sell the children very

⁹³ Cf. e.g. Diego Alonso-Lasheras, *Luis de Molina's De Iustitia et Iure: Justice as Virtue in an Economic Context* (Leiden: 2011), 166ff.

⁹⁴ “Quare dummodo iuxta valorem, aestimationemve, tam mancipiorum, quam mercium in eo loco, commutatio fiat non iudico ex hoc capite negotiationem hanc esse damnamandam, interim dum aliud non mihi elucet: praesertim cum tam longo tempore, nemine scrupulum iniiciens, sit introductus, nec ulla in contrarium urgens ratio sese offerat.”

⁹⁵ Luis de Molina, *Los seis libros de la justicia y el derecho*, ed. Fraga Iribarne (Madrid: 1941–43), 520.

⁹⁶ Earl Hamilton, *American Treasure and the Price Revolution in Spain, 1501–1650* (Cambridge, Mass.: 1934), Chapter XII.

cheaply, not only to the Portuguese, but to the Muslims as well (which is supposed to harm them spiritually). Molina concludes that if the price is much lower than the usual amount and there is no special reason for the low price such as illness, then the acquisition is unjust and the child must be given back its freedom, otherwise the buyer commits a deadly sin. Furthermore, in India, if a child is offered so cheaply that one should suspect that it has been stolen from its parents, this is also a reason to set it free. However, Molina, again, hesitates to use legal coercion against the owners of these cheap slaves (i.e. forcing them to set them free). Instead, to set those children free or to take only as much of their work as the amount they have paid for them may justify, he appeals to their Christian conscience. He is obviously reluctant to use legal means to intervene in market processes, even when, from a moral point of view, he seriously condemns the outcome of these processes.

Before Molina continues with his fourth conclusion, he discusses two open questions concerning the enslavement of prisoners of war in two special cases (i.e. if a war is just, or at least considered to be just by both sides and if both sides are waging an unjust war). In the first case, when both parties think they are involved in a just war (e.g. both warring parties are Christian nations), and, for the sake of argument, we assume that Christians enslaved other Christians, then it is possible that we purchase someone captured during the conflict, but whom we would have to set free as soon as we learned that the war in which the slave was involved was unjust. While a war which is just from both sides is not possible "*re ipsa*," in reality it might happen from a formal, though not material, point of view. Therefore, as long as one party is convinced that the war is just, they may keep their goods. This holds also for the subordinates who have to fight because they are commanded to do so, even if they may have doubts concerning the justness of the war (concerning just wars see Fernandes in this volume). But all goods are bought from participants of those wars with the understanding that they may have to return if it is determined that the war was unjust.⁹⁷

In the second case, when both sides are engaged in an unjust war, which may easily come to pass when the mutual attempt is made to conquer each other without just reasons, there is no need for restitution of those who were captured and bought by someone else, because they were involved in an unjust war. And even if it might be perverse to contract with the

⁹⁷ II 35 13–14.

party deemed to be the stronger in order to buy those captured in the war, it is, nonetheless, a valid contract: a violation of the Fifth Commandment is to be condemned, but since a breach of the Sixth Commandment is also to be condemned, and yet, a contract with a prostitute is valid, justice desires in the same way that someone who kills another unjustly gets his wage if there was a contract on this point. Therefore, from this perspective (*ex hoc capite*), it is not wrong to calm the conscience of those who buy slaves in Guinea and Caferia in order to sell them.⁹⁸

4.4. *Fourth Conclusion: Slave Traders Will Go to Hell*

But Molina immediately continues insisting that for him it seems much more likely that this kind of trade is unjust and immoral. He says that those engaged in it are committing a deadly sin and are in a state of eternal condemnation as long as there is not a sign of insurmountable error. The king, his advisors, the bishops of Cape Verde and Sao Tome are all obligated to make this point very clear. Moreover, it should also be made clear that those involved in slavery are committing not only an offense against charity, but against justice as well, for they have to presume that the slaves they are buying have been stolen. It is their duty to find out if this is the case or not. And as long as the opposite is not beyond all doubt, they have to set the slaves free. For even if they have paid a great deal of money, it is quite clear that the liberty of a slave taken unjustly outweighs the amount of money or commodity the slave means to his possessor. Failure on the part of traders to assess the justness of the war where those people were captured is to commit a deadly sin, for we know that wars among the Aethiopes are more robberies than wars as we understand them.

“Here I do not say anything about the cruelty with which this kind of slave is treated while they are brought by those who are called Tangosmaos or Pomberos from the internal parts to the ships.” They are mistreated, whipped, fettered, and threatened with death. “Nothing about the cruelty with which they are usually treated while they are brought away in the ships,” where they are kept night and day in extremely narrow spaces like in dungeons to maximize the profit of the traders. Finally, Molina does not talk about the way the Tangosmaos and the traders live together

⁹⁸ II 35 15.

with the women they take or the way men and women are transported together.⁹⁹

4.5. *Fifth Conclusion: Even Future Baptism Gives No Justification*

One possible argument is that the slaves taken to Christian countries will be baptized and, therefore, saved spiritually from a wild, barbaric, and impious life. The claim is that this situation is, on the whole, better for them—even if they have to live under the conditions of perpetual slavery (an idea Molina himself considers in disp. 33). Molina, however, objects that bad deeds must not be undertaken in order to reach good ends (*facienda non sunt mala, ut eveniant bona*), and that the merchants certainly do not have the spiritual health of those they are taking away from their homes in mind, but rather their own very mundane profit. Furthermore, he says that the truth of Christianity should be brought to those peoples in other ways and that people interested in making money in those regions should involve themselves with the silver and gold mines or other goods that are to be found there.¹⁰⁰ While Molina's position clearly departs from prior self-interpretations of Portuguese politics and perhaps even with papal bulls, it could be plausibly claimed that the debate had already begun to move in this direction within the discussions mentioned above on the right treatment of American Indians.

As such, we notice differences in Molina's views of African, Asian, and American peoples, especially when referring to people from the Guineas given that he does not consider them noble savages. Rather he is inclined to describe them as cruel and simple-minded. However, as we have already seen, he never invokes racist arguments to justify enslavements. He explicitly rejects barbarian character as a reason for enslavement,¹⁰¹ and he even rejects Vitoria's justification via the guest right.¹⁰² And while idolatry can be a reason for a just war (if and only if it is God's direct command), it is not a right of the emperor.¹⁰³ Although it has already been mentioned, while there have been religiously based racist justifications since the middle of 15th century, the general tendency seems to be that they were viewed as necessary and useful only later as general post-factual

⁹⁹ II 35 15–18.

¹⁰⁰ II 35 19.

¹⁰¹ II 105 8.

¹⁰² II 105 1–3.

¹⁰³ II 106 1–3.

rationalizations for the cruel practices of slave-trading and slaveholding. The demands of Molina's followers for an individual justification for every kind of enslavement were rudely rejected.

V. ON THE RIGHT TREATMENT OF SLAVES AND THE RIGHTS OF SLAVES

5.1. *How to Act as a Possessor of a Slave Bought Bona Fide?*

Molina deals intensively with the question whether or in which cases those who bought slaves bona fide (i.e. in the honest belief that they were justly enslaved), could have an obligation to set the slave free. His central message is that those who bought a slave from another possessor, who already saw no reason for doubting the justification of enslavement, are entitled to keep them. Even if the slave tells them that the conditions of his enslavement were not in accordance with natural law, they do not have to believe him, because he has a very good reason to lie. Furthermore, it is not the task of the simple citizen, but of the prince and his ministers, to control whether the goods that are imported and sold in the kingdom are of trustworthy origin¹⁰⁴—a very macabre kind of customer protection.

Nevertheless, as soon as a possessor recognizes from other sources that his slave was the victim of unjust enslavement, he has to set him free immediately, no matter how much he paid for him. Moreover, he also has to pay the former slave a wage for his work, assuming the owner profited from the work performed. If the slave has died and the possessor who bought him bona fide later determines that the conditions were unjust, then he has to give the money to his heirs. If there are none, he has to give something to the poor or to some other work of piety.¹⁰⁵ This also holds if he recognizes that a slave he had bought bona fide some time ago was enslaved in an unjust manner.¹⁰⁶ In any case, the owner has the obligation to begin investigating the issue as soon as any doubt surfaces, but only in this case.¹⁰⁷ We need to be aware of this differentiated approach when thinking about Molina's role for the abolitionists. Frank Costello is right to find it strange that the quotation of precisely these passages by the Consejo de las Indias, the most important committee of the Spanish (and at this time also Portuguese) Crown for American affairs, would seem to

¹⁰⁴ II 36 1.

¹⁰⁵ II 36 2.

¹⁰⁶ II 36 3.

¹⁰⁷ II 36 4.

make Molina out to be one of the main advocates for the justification of the slave trade.¹⁰⁸

5.2. *Do Slaves Have the Right to Flee?*

In the beginning of disp. 37, Molina makes it quite clear that if someone is captured during a war by an unjust aggressor or party, then the person subsequently enslaved has every right to flee. This is above all the case when Turks or Moors, whose wars against Christians are always unjust, have captured some "of ours."¹⁰⁹ So, the question only really makes sense for those who are legitimately enslaved. For those who sold themselves, were sold by their parents, or were born to a mother who is a slave, it seems clear that they are not entitled to flee. If they do so, then they have the obligation to return to their masters.¹¹⁰ While those who became (public) slaves as the result of having committed crimes were not discussed in the *Doctores*, Molina, nonetheless, thinks that the same would hold for them.

The real debate revolves around those enslaved in a just war. On the one hand, Covarrubias, de Soto, and others think that these individuals have a lesser obligation to stay, perhaps even somehow have the right to flee to their homes, though they have no right to use violence against those who try to keep them or against the public servants who try to bring them back to their masters. As a result, a slave who was enslaved in a just war is of lower value than other slaves due to the constant danger of loss to his owner.¹¹¹ Molina, on the other hand, maintains the opposite opinion, saying that those who are captured in a just war never have the right to flee, and that they are justly punished with extreme severity if they are caught (e.g. by amputation of a foot or by sending them into the mines). He justifies this by hinting that this is the position taken not only in the *Digests*, but also in the *Codices*, many works of Christian origin, not to mention that it is also a widely accepted position. The crucial and traditional argument seems to be that it would otherwise make no sense to save, but rather kill the prisoners of a just war. Moreover, it is not acceptable that a slave is considered free not only once he reaches his home

¹⁰⁸ Frank Costello, *The Political Philosophy of Luis de Molina* (Rome: 1974), 195, see David Brion Davis, *The Problem of Slavery in Western Culture* (Oxford: 1966), 108.

¹⁰⁹ II 37 1.

¹¹⁰ II 37 2.

¹¹¹ II 37 4–8.

region but also if he succeeds in crossing outside the border of the country where his possessor lives.¹¹² Therefore, if someone persuades a slave captured in a just war that he is entitled to flee, this person is obligated to compensate the owner of that slave for the damage incurred. There is, however, one exception to this: when a Christian has been captured justly by the infidels and is in danger of suffering serious spiritual damage if he stays there, then he may flee. However, he has to compensate his former master for the loss.¹¹³ Here we find an interesting and highly conflictive version of legal pluralism: on the one hand an overlapping claim of universal property rights, justified partially by natural law and partially for moral reasons, and on the other hand the beginnings of state sovereignty giving freedom to a slave who has escaped the territory of the state that enslaved him.

The situation is different when both sides are engaged in what, formally speaking, can be described as a just war (i.e. in which the adversary to which the slave belongs also honestly believes that they are waging a just war). In this case the slave has the right to flee, but his possessor also has the right to hold him back. If the slave succeeds in reaching his home, he has no obligation to return to his master. In the kingdom of Castile, however, the laws concerning prisoners of war are made only for those cases in which it is completely clear that the adversary is unjust, even if we have to admit that Turks and Moors also believe their wars to be just. Portuguese and Spaniards sometimes had to be mindful of this point because they did not want them to be so deeply offended that they ceased the common trade, nor did they want them to treat their Christian prisoners of war in a similarly unpleasant manner.¹¹⁴

Molina, here, shows again a very “traditional” view of war as a method of punishment at the international level; a view that would later be contested in the 17th and (mainly) 18th centuries, when Balthasar Ayala speaks of a just enemy¹¹⁵ and Kant, as Montesquieu and Rousseau before him, considers the idea of a punitive war as “self-contradictory,” because punishment is the right of a sovereign—a position that cannot exist at an international

¹¹² II 37 10.

¹¹³ II 37 11–12.

¹¹⁴ II 37 13–14.

¹¹⁵ *iustus hostis*, Ayala 1597, I 2 § 38, cf. Matthias Kaufmann, “What is New in the Theory of War in Kant’s *Metaphysics of Morals*?” in *Jahrbuch für Recht und Ethik* 16 (2008): 157; Robert Schnepf, “Baltasar de Ayala’s Beitrag zum Kriegerrecht und dessen Kritik bei Francisco Suárez und Hugo Grotius,” in *Suche nach Frieden: Politische Ethik in der frühen Neuzeit III*, ed. N. Brieskorn and M. Riedenauer (Stuttgart: 2003).

level.¹¹⁶ Even if especially his reflections on war in DIEL, more than his earlier extensive commentary on q. 40 of Aquinas's IIaIIae,¹¹⁷ show considerable changes compared to medieval positions (see Fernandes in this volume), Molina's approach to war still differs fundamentally from the conception of war in the period of the so-called *Jus Publicum Europaeum*, where there may be a war that is at least formally speaking just from both sides—something that Molina also seems to consider possible—and the *ius in bello* becomes more central than the *ius ad bellum*. But, besides the fact that Ayala declares regular soldiers of an army just enemies only to increase the difference between the Dutch rebels he mercilessly wants to destroy, it should be clear that these authors are only talking about wars amongst Christians. For war among Christians Molina as well does not take the enslavement of the defeated as a possible outcome. Furthermore, it has to be acknowledged that the severity and even cruelty of his opinions on fleeing slaves and so on somehow stands in stark contrast to his pragmatism concerning more concrete questions.

5.3. *The Rights of Masters and the Rights of a Slave qua homo*

In disp. 38 Molina deals with two questions: (1) What are the slave-owner's rights, or more precisely, what are the limitations to these rights? (2) Do slaves have *dominium* and rights? As to the first part, he immediately makes it clear that the *dominium* over slaves does not confer such an extensive right as the *dominium* over cattle, which includes the right to mutilate or even kill animals.¹¹⁸ "It confers the right to all of the slaves' works, which right reason postulates, in accordance with their conditions and forces, to all of their fruits, such as to the children born by maidser-vants and to all other incomes that they may easily obtain from them." While this goes so far as to cover things like a slave receiving donations and inheritances (as indicated in the *Institutiones*), there are, nevertheless, a number of limitations.

So, while masters have a vast number of rights over their slaves, this list does not include the life of the slave, the integrity of their limbs, or their health (on which their life is dependent, and even less so on their

¹¹⁶ Kant, *Metaphysics of Morals*, 486 AA VI 348.

¹¹⁷ Luis de Molina, *Quaestio XL De Bello*, now published in *Kann Krieg erlaubt sein?* ed. Hans-Joachim Justenhoven and Gerhard Stüben (Stuttgart: 2006), 212–342.

¹¹⁸ II 38 1.

spiritual health).¹¹⁹ Furthermore, slaves must not be exposed to excessive work, hunger, unjust punishment, or any other form of abuse related to the master's right to coercion. If a master exceeds these limitations of his powers over the slave, he has to be punished by the public authorities. Furthermore, the slave even has the right to denunciate this infraction of his rights and duties on the part of his master. Molina mainly quotes Roman law, especially the already mentioned title 8 from the first book of the *Institutiones* ("De his qui sui vel alieni iuri sunt"), where masters who show excessive cruelty toward their slaves may be forced to sell them for an unfavorable price. But precisely here is where Molina departs from title 8: whether or not a master is punished for killing a slave without reason, he still maintains power over their life and death, something Molina categorically denied. Drawing upon the institution of *audientia Episcopalis* in the Codex Justinianus,¹²⁰ he explains that a maidservant forced to commit obscenities can be set free by the bishop, thus damaging her owner. Furthermore, Molina remarks that according to Saint Antoninus of Florence (1389–1459), a slave who is forced by his owner to commit a lethal sin must not be punished if he flees. Next, he quotes Exodus 21:20, 21:26, and 21:27, where punishment is declared for those who kill or hurt their servants. However, he omits the passage in Exodus 21:21, which says that if the slave who was hurt by the master survives one or two days, the master will not be punished because it is his money that he lost. While Molina points out that these laws may have lost their binding force, equity nevertheless demands that those who hurt their slaves must compensate them because they are human beings as well as our next—*qua homines et proximi sunt*.¹²¹ This argument was presented here at greater length because it may also provide us with an example of how Molina does not hesitate to "reorganize" his sources if what they say does not match what he wants them to say.

Finally, with reference to title 9 in the liber IV *Decretalium Papae Gregorii IX* (*de coniugio servorum*), he explains that a master may not hinder his servants' marriage, which is both helpful for their spiritual welfare and as a remedy against cupidity. To prohibit marriage is an injury neither permissible under any form of natural law, nor by the *ius gentium* that led to the introduction of slavery. And if the master does attempt to

¹¹⁹ II 38 2.

¹²⁰ Lib. Primus, 1.4.13 si lenones.

¹²¹ II 38 3.

do so, which is a practice common to both slavery and serfdom in these ages, the slave has to be protected against him by the church.¹²² Again, we may, therefore, maintain that Molina refers to traditional positions of both Roman and church law, while at the same time giving them a special note which leads to a much more vigorous protection of the slave against arbitrary treatment by his master. By no means, as has been shown, does the master have the right to kill or mutilate his servant. On this point Molina clearly deviates from the tradition of Roman law.

The second element in this context was the question whether a slave may have *dominium*. At first, it seems clear that somebody who acquires a slave also acquires his possessions. But the slave and his owner may have a contract that confers a certain amount of money to the slave every week, month, or year. Even when there can be no friendship or justice, which includes no business between master and slave, it is, nevertheless, possible that the slave *qua homo*, as a human being, is capable of both. Molina refers to the theory of friendship in the thirteenth chapter of the eighth book of *Nicomachean Ethics*, where Aristotle explains that a slave in his social role as an animated tool cannot be a friend of his master because there is nothing common between them, but insofar he is *a man* he might be a friend to his master.¹²³ Therefore, the master has to keep this contract and is not allowed to take away whatever the slave has gained in this manner. The same holds for the goods the slave gets from donations, wins in games, receives as compensation for an injury suffered, or profit earned with his own money (be it in a game or otherwise). And while Molina again insists that all this is not contrary to Roman law and tries to substantiate his claim with two quotations,¹²⁴ he refers to his disputation 261 insofar as contracts with slaves are concerned. There he makes it clear that normally no contract between slave and master results in any positive legal obligation (*obligation civilis*)—with the exemption that a slave who offers money to his master to set him free has an obligation to pay afterwards, and vice versa the master has the obligation to set him free having been paid in advance. But, Molina insists, there is a natural obligation that binds master and slave in their conscience to respect the contracts they have made.¹²⁵

¹²² II 38 4.

¹²³ 1161b 5–8.

¹²⁴ II 38 5.

¹²⁵ II 261 6.

It is obvious that the right a slave *qua homo* acquires with his *dominium* in the situations mentioned here is not an inalienable human right to something, but rather a property right. Nevertheless, we can see (1) that Molina detaches the man *qua man* from any social role attributing him the capability to negotiate, and (2) by taking his definition of rights seriously he confers to every man the right to life, the integrity of his limbs and health as well as the right to marriage and reproduction.

5.4. *How Slaves May Come Free*

Molina, at the end of his treatise on slavery, in disputation 39 mentions a number of ways how or conditions under which slaves may be freed. Initially, he enumerates eight of these, some of them fairly general (e.g. when a slave is set free by his master, when the master abandons a child who would otherwise be a slave, when he refuses to nourish a slave who has fallen ill and for whom he is responsible, when he forces a maid servant to fornication, when he consents to the marriage of a maid servant and gives her a dowry, when he nominates a slave to be his heir, and when he adopts his own slave as a son). There are also more special cases—for example, when a Jewish or pagan master owns a Christian slave within the reach of a Christian ruler, then he has to set him free without reimbursement. If he bought an infidel slave who now wants to be baptized, he may sell him for a reasonable but fixed sum within three months (after which time he forfeits his right to reimbursement). When a Jew or Muslim submits his slave to circumcision, he is punished with the liberation of the slave. Furthermore, when an unmarried man continuously lives in concubinage with his maidservant until his end, and if he does not give an order to the contrary during his lifetime, then the women as well as the children she gave birth to during their common life will be free. This does not hold if she was with him just for some time, and he left her for another, nor if he was married or a cleric.

The following and final disputation—which is directly concerned with slavery—deals with the question of what should happen to the slaves of an individual condemned of heresy or apostasy by the Inquisition. Molina comes to the conclusion that under such circumstances they should be set free. In a country where there is such an intense activity on the part of the Holy Inquisition, this is of enormous importance as is demonstrated by the lengthy discussion Molina dedicated to this topic. On the whole it is Molina's view that the different statements to be found in the writings of the church fathers as well as in canon law, which confer freedom to the

Christian slaves of Jews, of Manicheists, and of Donatists, must be applied analogously to the Christian slaves of other heretics.¹²⁶

VI. ON THE ROAD TO ABOLITIONISM?

For many decades, or even for centuries, there have been scholars who attributed to Molina a contribution (either directly or indirectly) to the abolition of slavery, or at least a critical attitude toward slavery as such.¹²⁷ In some cases we must place his contribution in the category of indirect anyway, because some of these authors refer to the Peruvian Jesuit Diego de Avendaño, whose dependence on Molina's arguments, especially in this field, is well documented.¹²⁸ Some of the authors may be driven by the intention to show that a certain group—be it the Jesuits or native Spanish-speaking authors—were the first to oppose the immoral and cruel business of the slave trade and slaveholding. And indeed, it is well known that there were rather harsh critics of slavery like Bartolomé de Albornoz and Alonso de Sandoval.¹²⁹ On the other hand, the role of Jesuits in general was often seen more critically (e.g. they were accused by Capuchins of having regularly sent ships with slaves from Angola to Brazil),¹³⁰ while, again the *Diccionario historico de la Compañía de Jesús* (vol. II, 1256) defends them in claiming that they were not “large scale slave traders.” Even Molina himself was not seen by all of his interpreters as an early defender of potential and actual slaves.¹³¹ Furthermore, there are persons giving more or less equal weight to both elements of judgment,¹³² though some are principally writing on Avendaño.¹³³ In any

¹²⁶ II 40 7.

¹²⁷ Alexander von Humboldt, *The Island of Cuba: A Political Essay* (Princeton 2001), Chapter 31; Salvador de Madariaga, *The Rise of the Spanish American Empire* (Westport, Conn.: 1975); Costello, *The Political Philosophy of Luis de Molina*, 198ff.

¹²⁸ Angel Muñoz García, “Diego de Avendaño y la esclavitud colonial africana,” *Revista de Filosofía* 56 (2007–02).

¹²⁹ David Brion Davis, *The Problem of Slavery in Western Culture* (Oxford: 1966), 190f.

¹³⁰ García, “Diego de Avendaño y la esclavitud colonial africana,” 149.

¹³¹ Davis, *The Problem of Slavery in Western Culture*, 108; José Eisenberg, “Cultural Encounters, Theoretical Adventures: The Jesuit Missions to the New World and the Justification of Voluntary Enslavement,” in *Politische Metaphysik*.

¹³² Jesús María García Añoveros, “Luis de Molina y la esclavitud de los negros africanos,” *Revista de Indias* 60 (2000).

¹³³ Angel Muñoz García, “Diego de Avendaño y la esclavitud colonial africana,”; Angel Muñoz García, “Diego de Avendaño y la abolición de la esclavitud,” *Solar* 5, 5 (Lima 2009).

case, it is clear that there has been an intense debate on the topic involving a range of highly nuanced differences.

If we take into account what has been discussed in the previous sections, it is not easy to understand why somebody who extends the titles of just enslavement compared to some of his contemporaries and, furthermore, pleas for the amputation of the leg of a slave who has tried to flee, should be counted as an adversary of slavery as such. In the end, almost none of the more recent authors seems to affirm this. Thus Norbert Brieskorn might be overindulging in attributing to Molina a similar intellectual move as Friedrich Spee did when he said that there certainly were witches, but all actual cases found showed that the women were innocent: there are justified cases of slavery, but none of the actual cases belongs to them.

Nevertheless, there are two points in which Molina clearly shows a tendency favoring at least some of the actual slaves and others who were living under the threat of being enslaved: first, he insists that there has to be a legitimate title of enslavement and that a slave-owner who has urgent reason to suspect that his slave has come into this unpleasant state without legitimate title has to let him free. Secondly, he makes clear that also those who are justly slaves must not be mistreated. Their master does not have the right to decide over life and death, nor over the integrity of their body, much less over their soul. As has been shown, the same holds more or less for Avendaño.¹³⁴ So, it may be said that the Jesuits seem to have considered slavery as something unquestionable per se, but that some of them tried to apply moral criteria to the way it was exercised. That Molina's criteria were, on the one hand, seen as valid, while, on the other, they were applied in a hypocritical fashion and, therefore, abused in practice in later times, is supported by a report presented around 1612 by an anonymous author to King Philip III of Spain (Philip II of Portugal).¹³⁵ The author, in a description that shows some similarities to Molina's approach (although his statement is much more brief), explains how the four criteria for just enslavement were neglected in reality.¹³⁶ It cannot even be claimed that the criteria Molina develops remained completely unknown in the centuries that followed, since in 1794 the Capuchin friar José de Bolonha was expelled from Bahia with the explicit approval of

¹³⁴ García, "Diego de Avendaño y la esclavitud colonial africana"; García, "Diego de Avendaño y la abolición de la esclavitud."

¹³⁵ This excerpt is taken from a manuscript translated by Robert Edgar Conrad.

¹³⁶ Conrad, *Children of God's Fire*, 11ff.

the authorities (above all the bishop and the governor), because he had urged slave-owners at Belem to take care whether their slaves were legitimately enslaved or not—a way of thinking that Governor Dom Fernando described in a letter as apt to cause disorder in the colony.¹³⁷

If one looks at the works of North American abolitionists like William Lloyd Garrison, there is no hint that he was in any way acquainted with Molina's work,¹³⁸ even if several times he uses arguments that maybe connected only very loosely with Molina's ideas. In his historical outlooks he does not go back beyond the American war for independence and its beginnings in 1770. The same theoretical difference from the Spanish tradition seems to hold for English and French abolitionists as well. This is due to the fact that the situation of slavery was on some points rather different in the two Americas, because in South America the majority of the black or mulatto population was free, even in Brazil and Cuba (i.e. "the most dynamic slave zones"), where free blacks represented 40 percent of the black population.¹³⁹ As such, it is plausible that there was less pressure to move towards abolition, even if the general impression of 18th-century travelers that the situation of slaves in Latin America was better than in British America has to be relativized, as Davis has shown.¹⁴⁰

In any case, much more important than any influence on the part of Molina, other Jesuits, or Capuchins, seem to have been the activities of the Quakers and the ideas of the French or Scottish Enlightenment,¹⁴¹ even if this did not hinder enlightened Scotsmen from engaging in the slave trade.¹⁴² The effects of Enlightenment ideas can be found in 18th-century Portugal as well. Already by the middle of this century, parts of the educated Portuguese elite considered racial slavery or slavery as such to be something incompatible with truth and Christian faith.¹⁴³ This stands in stark contrast to white Brazilian slave-owners, who still believed that they have all rights over the lives and bodies of their slaves, as the above-mentioned dialogue between a "liberal" Portuguese advocate and a Brazilian mine-owner shows. When slavery was abolished in Portugal

¹³⁷ Silvia Hunold Lara, *Legislação sobre escravos africanos na América portuguesa* (Madrid: 2000), 32f.

¹³⁸ William E. Cain, *William Lloyd Garrison and the Fight against Slavery: Selections from the Liberator* (Bedford: 1995).

¹³⁹ Drescher, *Abolition: A History of Slavery and Anti-Slavery*, 92f.

¹⁴⁰ Davis, *The Problem of Slavery in Western Culture*, 227ff.

¹⁴¹ *Ibid.*, 291ff, 391ff.

¹⁴² David Brion Davis, *Slavery and Human Progress* (Oxford: 1984), 155.

¹⁴³ Conrad, *Children of God's Fire*, 203ff.

and its East Indian colonies during the reforms of Marquis Pombal in 1761, black slavery persisted in Brazil. On this point Pombal followed the French tradition,¹⁴⁴ whereas Indians theoretically received civil rights in 1755.¹⁴⁵ In the 1790s the governor of Bahia was not only fearful of French books and their dangerous contents, but also of the people coming to Brazil on French ships.¹⁴⁶

So, if there was another, even more indirect role that Molina might have played in the history of abolition, then it is his consequently juridical treatment of slavery. Apart from slavery by birth to a slave mother, enslavement has something to do with responsibility, be it on an individual or a collective level. Hereditary responsibility as in the case of Noah's curse plays no role for him. An additional aspect is that Grotius¹⁴⁷ as well as Pufendorf¹⁴⁸ justified the submission of citizens under the state by drawing an analogy to the self-vending into slavery, wiping out the difference between citizens and slaves. Thus they provided good reasons for reflecting on why selling oneself into slavery or the enslavement of prisoners of war cannot be accepted as an action of a responsible individual. Generally speaking, law in civil society emphasizes a discourse of rights, and therefore, the Spanish scholastic's discourse on slavery sowed the seeds of contemporary human rights.

¹⁴⁴ Drescher, *Abolition: A History of Slavery and Anti-Slavery*, 67.

¹⁴⁵ Kenneth R. Maxwell, *Pombal: Paradox of the Enlightenment* (Cambridge: 1995).

¹⁴⁶ Ricardo Antonio Souza Mendes, "O medo francês," *Métis: Historia & cura* 5 (2006).

¹⁴⁷ *De iure belli ac pacis* I, 3 § 8, 1–3.

¹⁴⁸ *De iure naturae et gentium libri octo*; VII 3 § 1, VII 6, §§ 5 and 6.

LUIS DE MOLINA: ON WAR

João Manuel A.A. Fernandes

I. INTRODUCTION: ORIGIN AND CONTENT OF MOLINA'S THEORY OF WAR

The task of studying Luis de Molina's theory of war has been facilitated by a range of factors. This is not because the theory is in itself simple—on the contrary—but because it has already been the subject of some deep and accurate analysis. Entire works were dedicated to Molina, laying down the ideas of this Spanish master. The works of Manuel Fraga Iribarne,¹ of Lucas Garcia Prieto,² and of Frank Bartholomew Costello³ have already brought great knowledge to the complicated and very casuistic expositions of Molina and have provided information about the intellectual scenery in which he formulated his ideas. The chapter of Berenice Hamilton⁴ about the political ideas of Molina and others concerning war and the essay of Norbert Brieskorn specifically about Molina's ideas about war⁵ complete the exposition of the theory with important contributions.

Luis de Molina wrote down his considerations about war as consequence of his lessons in the University of Évora in 1574–75, when he was lecturing the *Summa theologiae* of Thomas Aquinas. The theory was born as Molina commented on question 40 of the *Secunda secundae*, “De bello.” Another important precedent, which exerted a considerable influence on Molina's reflections, was the work that Francisco de Vitoria had presented in Salamanca in 1539, known as the *Relectio de jure belli*. In his own work Molina refers very often to the questions and opinions of Francisco de

¹ Manuel Fraga Iribarne, *Luis de Molina y el Derecho de la Guerra* (Madrid: 1947). This work includes also the first study of Molina on the matter, as a commentary to St. Thomas Aquinas, and the Latin text with Spanish translation of the second and definitive version, which was published in the treaty *De iustitia et iure*.

² P. Lucas Garcia Prieto, *La Paz y La Guerra—Luis de Molina y la Escuela Espanola del siglo XVI en relación con la ciencia y el Derecho Internacional Moderno* (Zaragoza: 1944).

³ Frank Bartholomew Costello, SJ, *The Political Philosophy of Luis de Molina S.J., 1535–1600* (Rome: 1974). Specifically about the theory of war, see 95–162.

⁴ Berenice Hamilton, *Political Thought in Sixteenth-Century Spain—A Study of the Political Ideas of Vitoria, De Soto, Suárez, and Molina* (Oxford: 1963), 135–57.

⁵ Norbert Brieskorn, SJ, “Luis de Molina Weiterentwicklung der Kriegsethik und des Kriegsrechts der Scholastik,” in *Suche nach Frieden: Politische Ethik in der Frühen Neuzeit II*, ed. Norbert Brieskorn and Marcus Riedenaier (Stuttgart: 2000), 167–90.

Vitoria.⁶ The first form of Molina's theory, presented as a commentary on question 40 of Thomas Aquinas, remained unpublished until 1939, when the Jesuit Father R.S. de Lamadrid decided to publish it. This is the first known formulation of Molina's thinking.⁷

It was only in the late years of his life that Molina was able to give to the theory its definitive form and publish it. It is embodied in his great law work *De iustitia et iure*, published when he was already retired in Cuenca, Spain, starting in the year 1593. In this encyclopedic law book, Molina develops the ideas about war that he had taught at the University of Évora. To this purpose he used the written work that he had already completed as a commentary on the S. Th., II-II, q. 40, but adapted it to the order and form of the new and extensive law treaty. He divided the matter into 26 problems and handled each problem as a *disputatio*, placing the whole subject in the second treaty of the first book, from *disputatio* 98 to *disputatio* 123.

Molina discusses along these 26 questions a great variety of matters. In a very brief overview, he speaks about the perspective in which he will handle the matter, as related to the problem of justice; he investigates the question if it is permitted for a Christian to wage or to fight in war and the connected problems; he defines the common ground to all just wars, investigates the justification for just war and for its particular cases, characterizes the necessary intention to wage just war; analyzes the situation of the church's members in war; the use of cunning and the respect of promises made to the enemy; he speaks about the interventions of foreigners and infidels; about the knowledge of the subjects in respect of the causes of war and their judgment of them; about the relations between the sovereign and the soldiers and of the soldiers with the enemy; he

⁶ The text of the "Relectio de Jure Belli" can be consulted in the critical edition of Corpus Hispanorum de Pace, with the title *Francisco de Vitoria, Relectio de Jure Belli o Paz Dinamica-Escuela Española de la Paz, Primer Generación, 1526-1560, por Luciano Pereña a.o.* (Madrid: 1981), Latin text and Spanish translation, 95-207. As a commentary to the Relectio, see also Dieter Janssen, "Die Theorie des gerechten Krieges im Denken des Francisco de Vitoria," in *Die Ordnung der Praxis—Neue Studien zur spanischen Spätscholastik*, ed. Frank Grunert and Kurt Seelmann (Tübingen: 2001), 205-43.

⁷ Luis de Molina, SI, "De Bello—Comentario a la 2.2, Q.40, editado por R.S. de Lamadrid, S.I.," in *Archivo Teológico Granadino*, II, 1939 (Granada, Facultad Teológica SJ), 155-231. The original writing finds itself in MS 1581 of the Library of the University of Coimbra, fols. 574v-612r: Lamadrid, 155. There is a German translation of text edited by Lamadrid by Joachim Stüben, published with the Latin original, in Heinz-Gerhard Justenhoven and Joachim Stüben (eds.), *Kann Krieg erlaubt sein? Eine Quellensammlung zur politischen Ethik der spanischen Spätscholastik*, Kohlhammer (Stuttgart: 2006), 212-343.

investigates what can be done in the course of a just war; speaks about the restitution to the owners of things there were in the power of the enemy; about the permission to kill innocents and about their enslavement; about the treatment of hostages; about taking possession of the wealth of innocents; about reprisals; he discusses the possibility of allowing the soldiers to plunder conquered cities, of killing the defenders; and defines the interests of the subjects, to be attended in the agreements that take place at the end of war. Every question is subdivided into others, developing a very broad reach and complex content in every *disputatio*.

In the present work I shall refer myself only to the definitive formulation of the theory in *De iustitia et iure* and to the Geneva edition by Marc-Michel Bousquet (1733).⁸

II. CASES OF CONSCIENCE

Molina sees grave problems in the reality of war. His theory is a display of counsels, written with the intention to help to decide how morality can be preserved in such an action. The principal person Molina's considerations are addressed to is the one who has the authority and the right to wage war—the sovereign. Molina follows the traditional doctrine that sees war as a kind of jurisdictional process, by which, in the absence of a high court, the sovereign must be the judge when he declares the war, notwithstanding the fact that in this way he is the judge in own case.⁹ This is a consequence of his position. As B. Hamilton remarks, for a state, the right of self-defense extends to the avenging of wrongs, for there is no one else to do so.¹⁰ However, due to the fact that the sovereign is no expert in moral problems, the theory converts itself in a set of counsels to those who assist the sovereign in difficult moral decisions: that is to

⁸ R.P. Ludovici Molinae, *De Justitia et Jure*, Opera Omnia, Tractatibus Quinque, Tomisque totidem comprehensa, editio novissima, Coloniae Allobrogum, sumptibus Marci-Michaelis Bousquet, MDCCXXXIII. I follow the indication of N. Brieskorn, who considers this one a reliable edition: *Luis de Molina Weiterentwicklung der Kriegsethik und des Kriegsrechts der Scholastik*, 168, text, and n. 2. About the evolution of Molina's thinking between the commentary on *De Bello* (1574–75) and the final formulation in the *iustitia et iure* (1593), see the small essay of R.S. Lamadrid, "El tratado 'De Bello' de Molina," published as introduction to the edition of Luis de Molina, SI, "De Bello—Comentario a la 2.2, q. 40," 155–62, and also the text of M. Fraga Iribarne, *Luis de Molina y el Derecho de la Guerra*, with indication of the sources used by Molina, 33–45.

⁹ Iribarne, *Luis de Molina y el Derecho de la Guerra*, 88

¹⁰ Hamilton, *Political Thought in Sixteenth-Century Spain*, 138.

say, his confessors. If the considerations about war are intended to have a practical purpose, then above all it is as a form of assistance to those who advise the sovereign.

A broader question that underlies the theory of war is thus the question of the direction of the king's conscience. This was the role of his confessor. If there was a field of government where the soul of the sovereign was highly endangered, this field was precisely the decision to wage war and the way to conduct it. Here the sovereign was compelled to practice or to allow collective actions of great violence. The responsibility for great mortal sins was a menace to the sovereign and compromised his salvation. The best and the safest way for him to handle this was to consult the only entity that was allowed to give effective advice in such difficult and serious matters. This entity was naturally the church, and the church fulfilled this charge through the persons of the confessors of kings.

The confessors of kings were not only occupied with the personal problems of the sovereign. As the Jesuit confessor of Louis XIII of France, Nicolas Caussin, explained:

Le prince a des péchés d' homme et des pechés de roi. Il ne suffit donc pas de l' absoudre uniquement de ce qu'il fait comme homme. On est confesseur, non de Louis de Bourbon, mais de Louis XIII. Donc, le confesseur est à la cour pour remédier aux péchés qui naissent aussi bien de la pourpre royale que du mortier d'Adam. Et comment concevoir qu'il soit donné au roi pour l'absoudre seulement des péchés d' homme et non pas de ceux de roi? ... Il peut y avoir des péchés des rois. Ce ne sont pas les moindres qui se commettent dans le monde [tels] le trouble de l'Église, l' oppression des peuples, la division des proches, l'injustice qui s' exerce aux affaires générales du royaume.¹¹

The problem of the sins of the king as a king compelled the confessor to discuss directly political matters. One of the most important political matters was the problem of waging war. Again Nicolas Caussin:

Il y a bien des comptes plus importantes que ceux-là, quand Dieu dira d'une voix tonnante à chaque prince en particulier: je t'ai fait mon vicaire sur la terre, je t'ai déclaré l'arbitre des hommes, le Dieu visible des peuples. Qu'as- tu dit, qu'as tu fait pour les gouverner, pour cimenter les États par la religion, par la justice, et pour les conduire à la paix et à la vraie félicité? [And specifically with reference to warfare]: Tant de millions d'épées ont été tirées du fourreau par ton commandement, tant de villes saccagées: a-ce été

¹¹ Jean Lacouture, *Jésuites-une multibiographie*, vol. 1: *Les Conquêteurs* (Paris: 1995), 464–65.

avec raison? Que veulent dire tant de larmes des veuves et des orphelins, qui ne cessent de monter jusqu'à moi? Tant d'oppressions sans pitié? Tant de levées d'argent sans nécessité? Tant de profusions sans mesure? Tant de calamités sans remède?

Voilà les comptes que Dieu demandera aux rois après leur mort. Comme rois, ils avaient des devoirs envers les peuples confiés à leur gouvernement. Les ont-ils remplis? S'ils les ont négligés, s'ils les ont sacrifiés, leur conscience ne se trouve-t-elle pas gravement engagée? Et dès lors, le confesseur doit-il parler aux rois de petites chosettes?¹²

Nicolas Caussin was responsible for the direction of the conscience of the king of France already after Molina's death,¹³ but another example, a long time before Caussin, can be given through the letters of the years 1530–32 to Emperor Charles V from his confessor, Garcia de Loaysa, cardinal and bishop of Sigüenza and later archbishop of Seville and great-inquisitor. Garcia de Loaysa had already served as the confessor and person of confidence of the emperor for seven years before Charles V left Spain in 1529, to travel to Italy and from Italy to Germany, leaving the confessor in Rome to defend his interests.¹⁴ Among these interests were those related to war, and the confessor gave advice in these matters, such as when the confessor recommends that the soldiers in Italy ought to be paid without delay, lest they start to behave badly, and that the army should subsequently be reformed.¹⁵ Or when he recommends that the five Christian Swiss cantons should be provided with 2,000 arquebusiers, in order to allow them to defend themselves from the heretics;¹⁶ or when he recommends that the city of Florence had to be sieged in order to be conquered, because in combat it would be impossible to achieve this purpose.¹⁷ Or when he advises the emperor not to try to convert the German heretics by force, but only to win their obedience as subjects,¹⁸ as a necessary political

¹² Ibid., 469–70.

¹³ Nicolas Caussin was the confessor of the king of France in the years 1638–39: *Les Jésuites—notre histoire* (Paris: 1996), 52.

¹⁴ *Briefe an Kaiser Karl V, geschrieben von seinem Beichtvater in den Jahren 1530–32, in dem Spanischen Reichsarchiv zu Simancas aufgefunden und mitgetheilt von Dr. G. Heine, Verlag von Wilhelm Besser* (Berlin: 1848).

¹⁵ Ibid., 408, 383–84, and 385.

¹⁶ Ibid., 438, 455, 457.

¹⁷ Ibid., 348.

¹⁸ Ibid., 388. The confessor says this in a very practical form: the king should abandon the fantasy of converting souls to God, and from then on only occupy himself with the conversion of bodies to his obedience: "quite ya V. Md. la fantasia de combertir almas à Dios; ocupaos de aquí adelante en combertir cuerpos a vuestra obediencia." He also recommends negotiations to this purpose: "Y en este caso tengo escrito muchas vezes que con

measure in order to allow the Christian forces to unify themselves in the defense against the Turks.¹⁹ Or when he gives his opinion on the matter of a possible offensive war against the Turks or mentions the ceasefire with them,²⁰ and insists on the obligation that the emperor had before God to prepare himself for an effective defense of Christianity;²¹ or when he mentions the suspicion that the actions of the Turks had the approval of the king of France;²² or when he handles matters related to the possible intentions of the Turks concerning the preparation of an attack and the possible role and dimension of their war fleet, and later even criticizing the king, because he had not opposed himself to the military incursion of the Turks in 1532 in Christian land to Vienna, allowing the consequent retreat of the Turkish army, without fight and punishment, and thus failing to fulfill his obligations as Christian emperor.²³

It must not be forgotten that Luis de Molina was a member of the Jesuit order. The time in which he wrote his considerations about war, the first version, as a direct result of his lessons, as well as the final version in *De iustitia et de iure*, was the period in which the priests of the Jesuit order rose to the role of confessors of many and the most important European kings. After 1559, the Portuguese royal family had chosen Jesuits as confessors and this practice was soon imitated by all European catholic courts: Spain, Ferrara, Parma, Tuscany, Savoy, Austria, France, and even Sweden. The popularity of Jesuits among kings was so great that in the beginning of the 17th century the kings, queens, and princes of Spain, Portugal, the Italian states, Bavaria, Poland, Lorraine, Savoy, the Holy Roman Empire,

Luteranos se negocie como queden servidores vuestros y de vuestro hermano, puesto que de Dios sean enemigos, de manera que lo de ahí si no quedare cristiano quede obediente pues faltando fuerzas para el castigo V. Md. es limpio de culpa," *ibid.*, 493.

¹⁹ *Ibid.*, 419.

²⁰ *Ibid.*, 412.

²¹ *Ibid.*, 475.

²² *Ibid.*, 483.

²³ *Ibid.*, 485, 486, 508–09. As the confessor says in his letter of 27 September 1532: "La mano de Dios sea con V. Md. no solo para defenderse de sus enemigos, pero también para castigarlos. Ansi lo esperaba yo en esta venida atrevida del Turco que osó veniros a buscar y à matar y destruir à los Cristianos delante de vuestros ojos y por esto confieso à V. Md. que he tenido entrañable dolor de haber sabido por letras del 12 del presente hechas en Lince que el perro enemigo de Cristo se volvía y se alargaba de Viena porque tenía por cierto que si V. Md. viniera con él à la jornada que el fin della fuera à gloria de Dios y honra perpetua de vuestra imperial persona y con libertad del pueblo cristiano, pero nuestros pecados han sido tan poderosos que nos han quitado tan glorioso vitoria y tan honestas alegrías."

and France all had a Jesuit confessor, a fact without precedent in the annals of the religious orders.²⁴

The presence of the Jesuit confessor near the king made it unavoidable that the confessor frequently had to deal with problems of war, as problems that respected the direction of the conscience of the king as king, and not as person. The laws that ruled the obligations of the conscience of the king were, to quote the essay from Marie-France Renoux-Zagamé,²⁵ not laws of men, but laws of heaven, which means they were laws of God. And as laws of God, only the man of the church was able to clarify its meaning and the circumstances of its application and so to give the sovereign the guarantee that in such a difficult matter his immortal soul would not be put at risk.

The considerations about war were a display of very particular cases of conscience. Because of this, they had to be practical. The whole writings of Molina in *De iustitia et iure* have a practical nature, and this was one of the causes for the positive acceptance of the work. We see that the designated censors, charged with the inspection of the writings before publication, noted this characteristic and praised it. This was the case with the edition of the first book, which would contain the first two treaties, and in the second one on the subject of war, with the censor referring on both occasions to the great usefulness (*magna utilitate*) of Molina's considerations in these most serious subjects (*in gravissima materia*).²⁶ And the censors of the edition of the second book, about the contracts, have an even clearer opinion about the great practical value of Molina's writings. They say that the book had a good and healthy doctrine and many solutions (*mucha resolución*), and that it could be very helpful to the faculties of theology and of law for the resolution of the difficulties (*la resolución de las dificultades*) that presented themselves every day.²⁷

²⁴ *Les Jésuites—notre histoire*, 51–54.

²⁵ Marie-France Renoux-Zagamé, "Lois du Ciel et Lois des Hommes selon les Manuels des Confesseurs: Le Pouvoir du Pouvoir Invisible dans la France Classique," in *Mélanges en l'honneur d'Anne Lefebvre-Teillard*, text prepared by Bernard d'Alteroche et al. (Paris: 2009), 867–87.

²⁶ *Approbatio Tomi Primi*, in Tomus I, p. VI: "Opus Doctoris Ludovici Molinae, e societate Iesu (cujus titulus, De Iustitia, Tomus Primus) vidi de Mandato Supremi Senatus, in quo nihil reperi, quod doctrinae Sanctorum, quae est Ecclesiae, adversetur, quin imo in gravissima materia Author omnia scrutatur et perpendit summo iudicio et diligentiae: unde poterit cum magna utilitate typis mandari." In conventu S. Philippi de Madrid, die 25. Junii, Anno 1592. F. Gabriel Pinelo.

²⁷ About this Tomus Secundus, *De Contractibus*, say the censors Doctor Sahagun de Villasancte and Juan de Leon: "nos ha parecido que tiene buena y sana dotrina y mucha

Norbert Brieskorn remarks that in his theory of war Molina displays a casuistry "obsessed with details."²⁸ This concern about the details is what Molina tried to achieve throughout his entire work; in the matter of the theory of war it is quite the same. In this subject, as in all the others, Molina wants to give as many possible solutions as he can to problems that can arise in relation to a certain subject, and he wants to offer considerations that can help the reader to decide when he sees himself confronted with these difficult problems. This concern about details becomes extremely important when the problem is a case of conscience, as is the case when one deals with problems of war, because in cases of conscience, as Marie-France Renoux-Zagamé explains, the slightest change of the circumstances can change the solution.²⁹ It is the knowledge of this particularity that obliges Molina to look for the details and sometimes to explore some extreme problems and propose extreme solutions. He handles this matter in order to give guidance to those who have to decide on solutions to practical problems or to cooperate in the decision-making process. Molina does not say that he wants such problems to happen. But if they do, and Molina knows they will, what can be said to the ones who conduct war, and especially, what can be said to the king, how shall the confessor direct the conscience of the sovereign, if he has to? Or what shall he say to the general, or to the soldier, when they need advice? Or what counsel can the church give in these matters, what position should the church take if it sees itself involved? In a matter where the possibilities of error were so many and when errors could have devastating consequences for the king and for the persons and peoples involved, reliable advice could be helpful, and this is precisely what Molina tries to give: reliable advice that resulted from a careful and arduous inspection of all the variations and developments of the central problem which it was possible for him to consider and analyze.

resolucion" and the censor Juan Alonso Curiel says: "en todo tiene doctrina muy buena y segura, y que junta lo que en estas materias es de Theologos con lo que hay de rechos: de manera que sera de grande adiuda a en trambas facultades para la resolucion de las dificultades que cada dia se offrecen en ellas. En Salamanca, a cinco de Março de mil quincentos, y noventa y seis annos." Tomus I, p. VII.

²⁸ "Detailbesessene Kasuistik," N. Brieskorn, *Luis de Molinas Weiterentwicklung der Kriegsethik*, 189.

²⁹ Marie-France Renoux-Zagamé, "Lois du Ciel et Lois des Hommes," 870: "la moindre circonstance peut en effet obliger à juger différemment."

III. THE ETHICS FOR THE VIOLENT MULTITUDE

As Garcia Prieto remarks, although Molina has not left us a general definition of war, it is clear that the Spanish master understands the concept in terms of international conflict. This becomes clear when one considers that he only analyzes the question of war with regard to the relations between belligerent independent states, whose supreme authorities are the only ones who have the power to declare it.³⁰ As Garcia Prieto also notes, this was already the teaching of Thomas Aquinas, who defined war as a fight against foreign enemies.³¹

Thomas Aquinas had explained his definition in the context of the discussion of two other concepts, the concept of quarrel (*rixa*) and the concept of sedition (*seditio*). In question 42, II, II, "De seditione," when differentiating *rixa*, *bellum* (war), and *seditio*, he says about war: "bellum proprie est contra extraneos et hostes, *quasi multitudinis ad multitudinem*." It is the second part of the definition that must now be noted: to wage war means a fight, *in the way of a multitude of people against a multitude of people*.³² Fight and multitude are the requisites that must be present in order to speak about war. And multitude is the element that distinguishes war from a quarrel or a fight between two people or just a small number of people.³³ Fights can happen between two or more people, war cannot.

It is the consideration of the multitude that created the necessity to develop a special division in the *Ethics* for the case of war. There can be violence between two people, but the power of this violence reaches no further than a small range around those involved. But when fight and violence are impersonated in a multitude, the consequences have a wider range. The presence of the multitude potentiates and brings to another level the amount of violent power existing between single persons and gives consistence to questions that could not have arisen in the circle of single persons. Single persons cannot, as violent as they may be, conquer or destroy another land, they cannot lay siege to cities, and they cannot sink a fleet. The ethics of war were not the ethics of single people—they were born on another ground, not on the ground of the actions of the individual man, but of the actions of the violent multitude.

³⁰ Prieto, *La Paz y la Guerra*, 71.

³¹ *Ibid.*, 71, n. 1. "contra extraneos hostes," quoting of the *Summa theologica*, II, IIae, q. XLII, art. 1.

³² Thomas Aquinas, *Summa theologica*, II, II, q. LXII a. 1, Respondeo.

³³ "Rixa autem est unius ad unum, vel paucorum ad paucos": Thomas Aquinas, *Summa theologica*, II, II, q. LXII a.1, Respondeo.

IV. THE TREATMENT OF INNOCENTS

A radical difference between the ethics for single persons and the ethic for the multitude, as it was thought in the case of war, consisted precisely in the treatment of innocents. In fact in the ethics of individual persons neither Molina nor anybody else would pretend or recommend that an innocent should be condemned and put to death for anything that he had not done. But in the ethics of war the presence of violence and of a multitude changed the situation, and what was unthinkable in the case of the individual person, now became possible.

“Caedite eos. Novit enim Dominus qui sunt eius” [Kill them. God knows which are His own]. According to the tradition, these were the words of abbot Arnoldus (Arnaud Amaury) in the siege of Béziers, 1209, during the war against the heresy of the Albigensians. Having entered the city and intending to kill only the heretics, the soldiers asked him what they should do, because in the population that had survived there were Catholics and heretics mixed with one another and they could not distinguish between them. The abbot, fearful that the heretics would simply pretend to be Catholics only to escape death and later go back to the heretical rites, gave the order to kill all the survivors, Catholics and heretics, with the argument that God himself would then choose between the dead, because he knew who the Catholics were and who were not. A blood bath followed this command.³⁴

And yet, this command showed the rule of war concerning the innocents. In the siege of Béziers and considering it from the standpoint of the abbot, the innocents were the Christians, the guilty were the heretics. To achieve his goal, to kill the heretics, the abbot also found it justified to kill the innocents. This was a matter of the greatest importance in the theory of war, because it was intended to be an ethical approach to the behavior

³⁴ The incident is related in the book of the Cistercian monk Cesarius von Heisterbach (around 1180–1240) with the name *Dialogus Miraculorum*, Book V, De Deamonibus, Capitulum 21: “...scalas appositis, muros intrepide ascenderunt; haereticisque divinitus territis et declinantibus, sequentibus portas aperientes, civitatem obtinuerunt. Cognoscentes ex confessionibus illorum catholicos cum haereticis esse permixtos, dixerunt Abbati: ‘Quid faciemus, domine? Non possumus discernere inter bonos et malos.’ Timen tam Abbas quam reliqui, ne tantum timore mortis se catholicos simularent, et post ipsorum abcessum iterum ad perdiam redirent, fertur dixisse: ‘Caedite eos. Novit enim Dominus qui sunt eius’. Sicque innumerabiles occisi sunt in civitate illa.” The quotation is extracted from Caesarius von Heisterbach, *Dialogus Miraculorum—Dialog über die Wunder, Fontes Christiani, Lateinisch–Deutsch, Abdruck des lateinischen Textes von J. Strange* (1851) (Turnhout: 2009), 1026–27.

of men when involved in fighting. Were innocents a limit to the acts of war? It was clearly the case that in the siege of Béziers they were not. But were they in Molina's theory of war?

Molina defines the general principle for this kind of ethic in the opening words of *disputatio* 107: in a just war it is permitted to do everything that is necessary to defend oneself and the common good.³⁵ In concrete terms, this meant that it was not always necessary for the life of innocents to be respected. Their position must only be considered in cases when it would not compromise the success of a just war.

Molina's first assertion is that the killing of innocents is illegal in war, and this includes a just war. But at the same time Molina destroyed the power of his argument by adding two conditions: the killing of innocents is illegal, but only in itself and willingly. The development of these two conditions shows that, according to the circumstances, and as a means to an end, it is permitted to kill innocents. This means that the sense of the real thesis is not given from the general formulation, but from the two apparently small exceptions, *per se* and *ex intentione*.³⁶ Some particular cases can illustrate the development of the problem.

In warfare against heretics and apostates it is permitted to kill adult women because of the crimes of heresy and apostasy. And, according to Molina, in the other wars, they can also be killed when they help, with guilt, the enemy who they accompany or whose city was under siege.³⁷ As this will always happen, the position of women is unprotected.

Foreigners and merchants that are just passing by are to be considered innocents and should not be killed, unless the contrary is proved. Clergymen and religious people are not to be considered as members of the state for the purpose of war and are to be seen as innocents, unless the contrary is proved.³⁸ In respect of the other members of the state, it is

³⁵ "In bello justo in primis fas est facere omnia, quae ad defensionem propriam, bonique communis necessaria fuerint..." *disputatio* 107, no. 1.

³⁶ "Sit tamen prima conclusio. Per se et ex intentione, nefas est, bello quantumvis aliquin justo, interficere innocentem." *Disputatio* 119, no. 2.

³⁷ "...si bellum esset adversus hereticos, aut apostatas...fas procul dubio esse, foeminas adultas interficere ob haeresis et apostasiae crimen. Adde, foeminas adultas, quae vel comitantur hostes, vel intra urbem, quae obsidetur, cum eis sunt, non solere immunes esse a culpa, sed solere adjuvare hostes." *Disputatio* 119, no. 3.

³⁸ "Qui non sunt de ea Republica, ut peregrini, et ii mercatores, qui in ea non habent domicilium...innocentes reputandi sunt,...nisi contrarium aliunde constet: quocirca nefas est eos interficere. Clerici et religiosi non reputantur Reipublicae partes, quod attinet ad bella: et idcirco reputandi sunt innocentes, nisi contrarium aliunde constet, nefasque est eos interficere..." *Disputatio* 119, no. 5.

permissible to kill them all, because it is very difficult to distinguish those who are innocents from those who are not. Accordingly, the innocents can also be killed. Molina makes one exception: when it can be seen that someone is innocent, then he should not be killed and the soldiers must respect him. But after saying this, Molina again destroys the exception with another exception: the soldiers must respect him . . . but only if they can do so!³⁹ The same exception finds itself in the discussion of what can be done during the plunder of cities. The generals, having given to the soldiers permission to plunder a city, are obliged to prohibit and to prevent the injustices and cruelties generally made by the soldiers in such occasions—but, again, only if they can reasonably do so!⁴⁰

In warfare against Catholic Christians there are more persons that should be considered as innocents, as for instance the ordinary farmers without malice, who are to be considered innocents unless the contrary is proved.⁴¹

The children of the infidels cannot be killed with the pretext that they will later follow the example of their parents and fight against Christians, because, as Molina says, it is not legal to do something evil in order to achieve good, and it is not legal to punish a sin that was not yet committed, but which one fears will eventually be committed.⁴²

However, in all the mentioned cases, the innocents could ultimately be killed, and, what is even more impressive, they could be consciously killed if the army solely intended to kill the guilty, and only accidentally (i.e. without wishing this consequence in itself) killed innocents.⁴³ This

³⁹ "Inter reliquos Reipublicae, cum qua justum geritur bellum, difficile, ait Vitoria . . . est discernere, an aliqui sint innocentes: eaque de causa fas est singulos interficere, nisi de aliquo in particulari constet, illum innocentem esse . . . hos enim tenerentur milites servare, si possent." *Disputatio* 119, no. 6.

⁴⁰ "Quare si judicetur necessarium ad expediendum bellum, incendendos animos militum, et deterrendos hostes, fas erit civitatem, etiam Christianorum, tradere interdum militibus in praedam, esto verisimile sit milites aliquos sua culpa similia flagitia comisuros . . . Duces tamen . . . tenentur prohibere eiusmodi saeva et injusta, et quantum commode poterint ea impedire." *Disputatio* 122, no. 1.

⁴¹ "...quando bellum esset cum Christianis catholicis, multo plures reputandos esse innocentes, ut simplices ac innoxii agricolae, et alii similes, neque fas esse eos interficere, nisi de illorum culpa constaret." *Disputatio* 119, no. 6.

⁴² "... non est justa causa ad interficiendos pueros filios hostium infidelium, quod verendum sit, ne, cum adoleverint, sequantur vestigia parentum, pugnent contra christianos, et eis nocumenta inferant. Neque enim facientia sunt mala, ut eveniant bona. Neque fas est punire pro peccato, quod patrandum timetur, neque adhuc est commissum." *Disputatio* 119, no. 4.

⁴³ "Per accidens, intentione nocentes interficiendi, fas est, etiam scienter, innocentes interficere." *Disputatio* 119, no. 7.

principle—that innocents can be killed, even consciously, if the intention is solely to kill the guilty ones—has various applications: for instance, when it is necessary to bomb fortresses, when one knows that innocents will die, or when it is necessary to attack Turkish warships when it is known that Christian prisoners are on board.⁴⁴

Molina extended this principle so far that he accepted the killing of innocent children whose parents were apostates. Having said that the children of the infidels could not be killed under the pretext that they would later follow the example of the parents and fight against Christians, Molina later clarifies that if the intention is to kill the parents, then it was also secondarily legitimate to kill the children. To justify this solution further, he uses the argument that God sometimes punishes the sins of the parents with the temporal punishment of their children, and that it would even be of benefit and an act of mercy towards these innocent children to kill them, because death would prevent them from following the example of their parents.⁴⁵

With the moral distinction between the right intention and the secondary consequences, which were not a part of the original intention but were strictly connected with the execution of that intention, this ethic of war could be used to justify extreme behavior that in the field of the ethics of the individual person would not be considered as morally justified. Thought, in itself, to work as a limitation to the greatest of all cruelties in war, it was still a very dangerous theory—we will never know if it would have saved the innocents of Béziers.

V. THE WAR AGAINST THE WHOLE HUMANITY AND THE POSITION OF THE CATHOLIC CHURCH

Another context exists with regard to Molina's work, and this is a context that can only be understood in terms of another dimension of the reality, as it was thought in the Catholic church of the 16th century. There were

⁴⁴ "Per accidens, intentione nocentes interficiendi, fas est, etiam scienter, innocentes interficere. Ut quando arx, aut civitas, juste oppugnatur, in qua constat innocentes aliquos permixtos esse cum nocentibus, fas est mittere in eam globos... Quando in tiremibus Turcarum scitur permixtos esse remiges Christianos, fas est mittere in eos globos bombardarum..." *Disputatio* 119, no. 7.

⁴⁵ "...cessissequae in commodum filiorum innocentum, quos verisimile erat secuturos parentum vestigia, futurosque malos et peccatores, nisi misericorditer eo pacto morte essent praeventi." *Disputatio* 119, no. 8.

many wars in this world, but there was also another war, the greatest of all, which although it had to be fought in this world, its origin and consequences were in another world, a world beyond human comprehension. In his book *De Civitate Dei* St. Augustine had already spoken about this war, but in the 16th century an important point of precision was made. In 1587 Jesuit Cardinal Roberto Bellarmino explained this same idea in another context, and made it very clear that this war was a war waged against the church. The church was the target of an attack, a planned attack, that came from a place beyond human space and time, and which was conducted from the enemy of the human race himself:

the enemy of the human race had not assaulted the truth of the Catholic Church without a plan... During the first two centuries of the Christian era, he had concentrated on the first article of the creed, the conception of one God. When those heresies had failed, he turned during the third and fourth centuries against the second article, the nature of Christ, and then to the mystery of the incarnation and to the doctrine of the Holy Spirit. Failing also in all these attempts, he began about the year 1000 to attack the articles of the creed that concern the Church and the sacraments, and that battle still raged.⁴⁶

⁴⁶ I quote from Richard S. Westfall, *The Trial of Galileo: Bellarmino, Galileo, and the Clash of Two Worlds* (Valparaiso, Ind.: 1988), 4 (without page numbers). As the author indicates, the passage here concerned finds itself in *Disputationum Roberti Bellarmini, De controversiis Christiana fide, adversus hujus temporis haereticos, 4 T., Venetiis, Apud Joannem Malachinum, 1721, Tomus Primus, Liber I, Praefati*. However, the original work of Bellarmino was published in 1587, with the name *Disputationes Roberti Bellarmini Politiani, Societatis Iesu, De Controversiis Christiana Fidei adversus huius temporis Hereticos, tribus tomis comprehensa, Ingolstadii, ex typographia Davidis Sartorii, MDLXXXVII, Tomus Primus, Praefatio*. The text from Bellarmino is long, and because of this I will quote only excerpts that indicate the core of his explanation: "Humani generi hostis etsi totus alioqui perversus & ordinis perturbator esse soleat, tamen non sine quodam ordine Catholicae Ecclesiae veritatem oppugnare voluit. Itaque primis CC annis ab Ecclesiae Christianae exortu, totus fuit in ipso primo articulo Apostolici Symboli labefactando occupatus. Quid enim aliud volebant Simoniani, Menandriani, Basilidiani, Valentinistae, Marcionistae, Manichaei, & universa schola Gnosticorum, quam non esse Deum, Patrem omnipotentem, creatorem coeli et terrae? Ubi vero id non successit, rursus tempore consequente, post annum Domini CC nova castra Diabolus instruxit, & articulum secundum, quo Christi Domini nostri divinitas explicatur, exagitare aggressus est... Post annum vero CCC Photinus, Arius et Eunomius extiterunt: qui vel Christi divinam personam a Patris persona non distinguebant, atque eam proinde... perimebant; vel divinam ejus naturam diversam atque alienam a Patris natura faciebant, & ea ratione non vere divinam, sed creatam esse disputabant... tertio Diabolus novo delectu habito, articulum tertium, et simul quartum, quintum, sextum et septimum... maiori conatu et viribus oppugnare instituit. Itaque Nestorium excitavit... post annum CCCC... Isti siquidem omnes, diversis quidem, atque inter se contrariis artibus & machiniis, sed tamen unum & idem divinae Incarnationis mysterium, necnon passionis, resurrectionis, atque adventus ad iudicium, id est quinque sequentes Symboli Apostolici partes destruere atque evertere studuerunt... Nam circa annum Domini DCCCLX temporibus Nicolai Primi Romani Pontificis exortum est... schisma Graecorum ab Apostolica sede

Therefore, in the Catholic horizon of the 16th century there was not, and there could not be, a place for the diversity of religious confessions—on the contrary, in its perspective, and this is the point of view of Molina, there was no place for a society without the church as well as no space without the church in society. Something as a space without the church in society had to be seen as a place for atheism or for heresy, and both were to be condemned. If later, at the end of the 17th century, as N. Brieskorn remarks, in the *Dictionnaire historique et critique* (1695–97) from Pierre Bayle (1647–1706), the idea of a free man was already possible, free because he could be thought without any religious faith, without belonging to a church, and without religious creed, in the earlier times of the 16th century it was not possible to see the atheist as a good citizen of the state. Both qualities—being an atheist and a good citizen—contradicted themselves.⁴⁷ There could be no equality between the atheist and the believer in the state; on the contrary, the opposition between them was understood as a part of this war, conducted against the church, and at the same time, against the salvation of mankind.

The position of the church is a never-forgotten constant among the considerations of Molina about war. He refers to it when he recognizes the full power of the pope to intervene in the discussions between Christian sovereigns and to resolve them, when this is necessary, in order to pursue the supernatural end of the church.⁴⁸ He recognizes the power that the pope has in order to pursue the good of the church, to organize, in certain circumstances, offensive expeditions against infidels, to recover the property of Christians that had been taken away, or to repair committed

& Ecclesiis Occidentis: cujus quidem schismatis fundamentum est error ille Graecorum in tot Conciliis confutatus, quo Spiritum Sanctum a Filio non procedere, pertinacissime contendunt. . . . Verumenimvero, cum versutissimus hostis noster anidmaverteret, parum se in articulis illis convellendis proficere, qui ad ipsas divinas personas pertinerent, totum se ad eos commovendos & destruendos convertit, qui ad Ecclesiam & Sacramenta pertinent. Hos duos articulos; credo Sanctam Ecclesiam Catholicam, Sanctorum communionem, Remissionem peccatorum, ab anno millesimo usque ad hanc diem, saepium mutatis, auctis, renovatis exercitiis . . . omni arte atque industria, & omnibus totius inferni viribus evertere conatus est, & adhuc hodie conatur.”

⁴⁷ Norbert Brieskorn, SJ, “Pierre Bayle oder der neue Blick auf Atheismus, Toleranz und Frieden,” in *Suche nach Frieden: Politische Ethik in der Frühen Neuzeit III*, ed. N. Brieskorn and M. Riedenauer (Stuttgart: 2003), 95–97.

⁴⁸ “Quando lis est inter Princeps Christianos et judicaretur bono Ecclesiae, finique supernaturali expedire omnino, ut summus Pontifex rem definiret, posset pro plenitudine potestatis, quam ad finem supernaturalem habet, se intromittere, causamque ad se avocare, eamque sententia definire, et censuris, ac aliis viis rebellem compescere.” *Disputatio* 103, no. 12.

injustices, and argues that there is no one else legitimated to do so.⁴⁹ He recognizes the right of clerics to persuade and lead others to the declaration of just war and to call the sovereign to wage war against infidels in defense of his church, although they themselves are not allowed to fight.⁵⁰ He recognizes the possibility of clerics to fight in some exceptional cases, as in the defense of the state or of the army, which otherwise would be destroyed or captured, and when this is necessary to obtain a just victory, from which peace and the common good of the church depends, and could not be obtained or would be endangered if they fail to fight.⁵¹ He sees as the purpose of just war the defense and enlargement of the church and the state.⁵² When justifying the possibility of the death of innocents in just war, when this is not the main intention, he argues that otherwise it would not be possible to wage war against the guilty ones and not even the church could defend itself from infidels, if the infidels would have some innocents, against their will, with them.⁵³ And, above all, he admonishes the victorious sovereigns: the common good and the glory and honor of God must always be kept in mind.⁵⁴

Now, just war must not come from hate, but from the wish of the common good,⁵⁵ and there was no greater and higher expression of the common good than the salvation of mankind in the supernatural life. As the ultimate aim of the church is to pursue this supernatural end, it was the church that realized the highest form of the common good.

⁴⁹ "... si superstites non sint, aut sint impotentes... ad summum Pontificem, pro plenitudine potestatis, quam in Ecclesiae bonum habet, pertinere distributionem expeditionis." *Disputatio* 105, no. 5.

⁵⁰ "Clerici licet per seipsos non possint pugnare, possunt tamen saudere bellum justum, et ad illud inducere... Item si curam habeant alicuius Ecclesiae vocare possunt, et debent, Principem secularem, qui bellum in defensionem suae Ecclesiae adversus infideles gerat." *Disputatio* 108, no. 3.

⁵¹ "... quando id necessarium esset ad defensionem Reipublicae, patriae aut civitatis; ita quod, pugnantis clericis, patria, aut civitas vel exercitus conservabitur; illis vero non pugnatis, destruetur aut capietur... quando id esset necessarium ad consecutionem justae victoriae, a qua pax et bonum commune Ecclesiae pendet, ita quod, nisi clerici pugnarent, vel non obtineretur, vel periclitaretur maxime: illis vero pugnatis obtineretur." *Disputatio* 108, no. 9–10.

⁵² "... merito in favorem belli justii, quo Ecclesiae et Respublicas defenduntur ac ampliantur..." *Disputatio* 110, no. 2.

⁵³ "Immo neque defendi posset Ecclesia ab infidelibus eo ipso, quod innocentes aliquos invitos in tririmibus aut exercitu hostes asportarent." *Disputatio* 119, no. 7.

⁵⁴ "... semperque commune bonum, Deique gloriam et honorem ante mentis oculos habendum." *Disputatio* 122, no. 5.

⁵⁵ "Necesse est ergo, ut bellum non procedat ex odio, sed vel intuitu boni communis..." *Disputatio* 107, no. 2.

Consequently, to achieve this greatest of all ends, it was not prudent to exclude any means. Whenever a rule was determined, then this rule must also be valid for the church. If it could be said that some kind of behavior was not allowed in war, then this was the same as to say that this behavior was also prohibited in the wars that were waged by the church or where the church was involved or where it had some kind of interest. The theory of war could not turn itself against the church's interest. As Molina says, the goal, the end, determinates the means.⁵⁶ Because of this, the highest of all ends could not depend on some kind of failure in the means. Accordingly, to achieve the greatest end requires the greatest means.

Eliminating means that could be used in a just war was the same as to eliminate means that the church could use, either because it waged a just war or because it must defend itself against an unjust war. The Christian princes were seen as the protectors of the church—without them it would not survive, and the survival of a Christian kingdom thus meant the survival of the church in the kingdom. Accordingly, the defeat of a Christian kingdom was always something to be avoided because it undermined the position of the church in the territory in question. This situation would be even worse where the victor was an infidel or a heretic. Molina was conscious of this danger and qualified as a mortal sin the behavior of the sovereign that waged a war, also in the case of a just war, when the necessary conditions to win it were absent.⁵⁷ It was already a sin in the case of a war between Christians, and it was far worse when the war was waged against infidels, because it dangerously compromised the position of the church.

The theory of war, as Molina understands it, can only qualify a war as unjust when waged without any other purpose, such as to satisfy the violent nature of the sovereign or his vanity, or to increase his reputation or his power. Quoting St. Augustine, Molina considers that the wish to harm, the cruelty of revenge, an impetuous and inexorable temperament, the brutal disposition to fighting, the lust in exercising power, and similar

⁵⁶ "...ex fine ea metienda sint, quae sunt ad finem." *Disputatio* 117, no. 1.

⁵⁷ "...si prudentis arbitrio tale bellum futurum est in detrimentum maximum suae Reipublicae, quia vires non habet ad superandum, vel quia cum modico suae Reipublicae, bonique communis emolumento, subditos suos maximis periculis et detrimentis exponet, redditus publicos in eo insumet, Rempublicam novis tributis et exactionibus gravabit, etc., sane culpa erit lethalis, contra iustitiam adversus suam Rempublicam, eiusmodi bellum suscipere, si commode ab eo possit abstinere." *Disputatio* 102, no. 8.

things are opposed to the law of war.⁵⁸ For these kind of reasons, it was not possible to find a justification. But, as long as any kind of war could be seen as advantageous for the church, then it was always possible to justify it, regardless of the way or the intention with which it was waged.

A very clear example of this position was the possibility to provoke a war. Molina sees it as permitted to handle diplomacy in such a way that will lead somebody to do something that can subsequently be used by the provoking party as a right to launch a just war. He finds this to be justified when the nations against whom the provoked war will be waged—and the church—will benefit because the populations will convert themselves, will cease to sin, and many of them will reach eternal life. In these circumstances, it was possible to provoke a war, even when at the same time the provoker also sought material benefit. Molina develops the argument, saying that this procedure meant no hate towards the people against whom the provoked war would be waged, but love, because, with the war, what was in fact wished was the greatest benefit of the other, and thus the pursuing of superior ends like the greatest spiritual benefit of the people against whom a provoked war would be waged and the spreading of the church were compatible with the material profit that were brought by war.⁵⁹ The supernatural end, which only the church can pursue, is the greatest of all ends and it has the power to justify all temporal means—as long as they stay subordinate to this end. This premise is consistently present throughout all of Molina's considerations on war.

VI. WAR AS CHANGE IN THE ORDER OF PROPERTY

A difference between the earlier commentary on the *Summa theologica* and the new discussion in *De iustitia et iure* consists in the clarifying of the idea which will guide the exposition of the theory. In fact, Molina

⁵⁸ "Concinit etiam Aug. c. quid culpatur. 2.3. qu. I. dicens: Nocendi cupiditas, ulciscendi crudelitas, impacatus atque implacabilis animus, feritas rebellandi, libido dominandi, et si qua similia haec sunt, quae in bellis iure culpantur." *Disputatio* 107, no. 1.

⁵⁹ "...quando bellum cederet in maius bonum nationum, quibus inferretur, necnon Ecclesiae, quia ea via converterentur ad finem, propagaretur Ecclesia, cessarent a peccatis, multique eorum vitam eternam consequerentur, fas esse, utendo iure nostro, id efficere unde futurum speramus, ut detur nobis iusta causa belli, esto alioquin id non essemus facturi, et esto simul intendamus commodum nostrum temporale. ... Neque id est odio illos prosequi, sed diligere: volendo illis maius bonum. Quod autem cum tanto eorum spiritali bono, propagationeque Ecclesiae, simul bonum nostrum temporale intendamus..." *Disputatio* 107, no. 5.

opened his earlier comments with the question about the legal position of the Christians concerning the possibility of fighting in a war. Was it legitimated to do so, could Christians fight? What arguments existed that could sustain an affirmative answer? But, in the later version, on *De iustitia et iure*, he creates a short first question, the only purpose of which is to clarify the perspective that he is now going to use to deal with the problem of war. And he makes it very clear in this question that he will not deal with this problem as a problem of charity, as Thomas Aquinas had done, but as a problem of justice. The problems of war were above all problems of justice.⁶⁰

But what kind of justice did Molina have in mind? He meant justice by the acquisition and the loss of property; it is as a cause of acquisition and loss of property that Molina discusses the problem of war. In a war it is possible to distinguish two realities. The first is the punishment of the opponent. But the law of nature and the law of nations allow that something more can be done in war, beyond the simple punishment of the opponent. This second reality is, to one of the fighters, the acquisition of property, and, to the other one, the consequent loss of property. The particularity of this sort of acquisition and loss of property in consequence of a punishment is that property is acquired against the will of the one that loses it.⁶¹

Molina analyzes war as the cause of violent change in the order of property. Because the change is violent, which means that it is accomplished against the will of the defeated, it is essential to determine if and how this change can be justified. If war must be seen as a problem of violent change in the order of property, then this change had to be justified. It could not be accepted that someone should be deprived of his property just as a consequence of the arbitrariness of somebody else. This meant that, if the deprivation took place, it must be well founded; otherwise this form of deprivation could not be distinguished from robbery. Because of

⁶⁰ "Porro licet bellum injustum cum charitate quadam ex parte pugnet... multo tamen magis cum iustitia pugnat et tam justum, quam injustum bellum, ex principiis iustitiae longe maiori ex parte, quam ex principiis charitatis, expendendum examinandumque est." *Disputatio* 98.

⁶¹ "...cum perspicuum sit, homines dominio suarum rerum jure belli spoliari, maximeque ex parte id in poenam justam solere fieri: tamenti naturali ac gentium jure aliquid amplius liceat in bello, quam justam ab adversariis poenam exigere. Id tamen quod amplius licet, hoc commune habet cum acquisitione et amissione domini in poenam, quod jure belli semper dominium comparatur contra voluntatem ejus, qui illud amittit." *Disputatio* 98.

these circumstances, the casuistry of just war is related with another casuistry, which analyzes the reasons for the violent change in the order of property as a consequence of war.

VII. THE LEGITIMACY OF WAR

Molina sees the possibility of waging war not as a simple power, based on the will of the sovereign, but as a power that should only be used when particular conditions existed, the rightful exercising of this power depending on the previous existence of specific requirements. If the authority of the person who decided the war was a formal requisite, the right intention, and the justice of the reason according to which the sovereign decided to wage it, were deep moral requirements that had to be fulfilled. In matters of war, there being no other person that could impose its authority on him, the sovereign was a judge in his own case. This double position obliged him to conduct himself in an irreprehensible way—he should not put his own interests above the requirements that were necessary to justify the right to wage war. It is the difficulty of the decision about the right behavior that brought Molina to develop his “casuistry obsessed with details.”

The development of the casuistry also has another reason: the theory is not limited, because it does not stay within the frontiers of this world. It projects itself in the supernatural world and this other world cannot allow limits that the requirements of the earthly world would put to it. The position of the church, as the way to the supernatural life, must always be preserved. Limitations of the rights of war could always lead to limitations of the fighting possibilities when acting on behalf of the church, and this would mean that a mere earthly limit would be placed as an obstacle to the fulfillment of the supernatural goal or even endanger it.

Molina considers two types of war, the defensive and the offensive. The defensive war is in itself not a problem. The right of self-defense is part of the natural law, which individuals and the states can use: *vim vi repellere licet*, it is permitted to repel force with force.⁶² The defensive war turned out to be a problem when Molina considers if it could be just that a state only had the possibility to defend itself without subsequently waging war against the other state in order to revenge the suffered offenses,

⁶² “...Praetermisso autem bello defensivo, quod, ...vim vi repellendo, cuique ad propulsandam injuriam, quae ei inferetur, jure naturali licet.” *Disputatio* 100, no. 1.

to receive reparations for the damages that the state suffered by defending itself, and to recover things that had been taken away.⁶³ Otherwise, this state would be constantly molested by its enemies—if the state was subsequently unable to revenge the offences that had been committed against it, and the evil ones became bolder, the consequence would be that there would never be peace and safety in the state in question.⁶⁴ An offensive war had to be permitted, and this also applied as a consequence of a defensive war.

According to this understanding of the question, Molina does not handle the problem of war as related to the virtue of charity, but to the virtue of justice. Molina's theory of war is different from the medieval theory of war, as Thomas Aquinas exposed it. Thomas Aquinas had defined the criteria to evaluate the justice of an offensive war: the authority of the ruler, the just cause, and the rightful intention of the belligerent party.⁶⁵ These criteria are also accepted by Molina.⁶⁶

However, in the time of Molina, as war could specifically be used as an instrument of colonial expansion, as it already was in the theory of Francisco de Vitoria, the age-old, fundamental question as to whether Christians were or were not allowed to fight was a very uncomfortable one. What is even more important, Christians had to be allowed to wage offensive war because only offensive war served the purposes of colonial expansion, on whose income the Spanish Crown was dependent.⁶⁷ This

⁶³ "...res ablatas repetendo, damno resarciendo, et injurias suis illatas vindicando." *Disputatio* 99, no. 7. Also Iribarne, *Luis de Molina y el Derecho de la Guerra*, 82–83.

⁶⁴ "...alioquin misera sane esset conditio cujusque Reipublicae, quae infestaretur ab hostibus, si nullo existente commune superiore in terris, qui vindicare posset injurias eidem Reipublicae illatas, fas solum esset se defendendo inimicos arcendo, neque ulterius belli iura prosecui posset, illatas injurias vindicando. Semper namque Respublica maneret laesa, malique audaciores fierent ad injurias inferendas, et nunquam esset pax et securitas in Republica..." *Disputatio* 99, no. 7.

⁶⁵ Iribarne, *Luis de Molina y el Derecho de la Guerra*, 84. Sancti Thomae Aquinatis, *Summa Theologiae*, B.A.C.—*Biblioteca de Autores Cristianos*. Matriti, MCMLXIII, *Secunda Secundae*, Tertia Editio, q. 40 a. 1: "Respondeo dicendum quod ad hoc quod aliquod bellum sit iustum, tria requiruntur: Primo quidem, auctoritas principis, cuius mandato bellum est gerendum.... Secundo, requiritur causa justa: ut scilicet illi qui impugnantur propter aliquam culpam impugnationem mereantur.... Tertio, requiritur ut sit intentio bellantium recta: qua scilicet intenditur vel ut bonum promoveatur, vel ut malum vitetur."

⁶⁶ *Disputatio* 100: "De auctoritate ad bellum justum necessaria, et in quo resideat"; *disputatio* 102: "Communis quaedam justi belli causa, omnes alias particulares complectens"; *disputatio* 107: "De intentione ad bellum movendum necessaria. Et an liceat querere occasiones belli justi."

⁶⁷ Dieter Janssen, *Die Theorie des gerechten Krieges im Denken des Francisco de Vitoria*, 243.

new state of affairs led to a subtle change in terms of the way this problem was thought about, a shift which can be characterized in the following way: for the old medieval theory of war, war is in principle forbidden and only in some circumstances could exceptions be allowed. In the theory of Molina, war is in principle permitted because it can no longer be seen as an exception, but as a normal instrument of state politics. Therefore, the first question of Thomas Aquinas was "Videtur quod bellare semper sit peccatum" (II-II, q. 40, a. 1)—to wage war is a sin, and the problem was the exceptions that could be made. Molina, despite the fact that he developed his theory as a comment to question 40, displays his considerations in a very different way: "Error fuit Manichaeorum illicitum esse bellare" are his opening words. To believe that a Christian cannot wage war is an error. War was in itself not against Christian doctrine and this could be proved. To do so, Molina uses four arguments.

He begins with the assertion that it was not always illegal to wage war. This had always been a common understanding in the church, and whoever thought the contrary committed an error in faith.⁶⁸ The first proof was the council that John the Baptist gave to the soldiers, which was referred to by Saint Augustine: when the soldiers asked him what they should do, the Baptist answered: "Take money from no one by violence or by false accusation and be content with your pay" (Luke 3:14). St. Augustine concluded from this that John the Baptist had not forbidden them to be soldiers. And Jesus Christ had also, still according to St. Augustine, said the same. Because, when Jesus Christ said that one should give to Caesar what belonged to Caesar, he knew that the tax was necessary to pay the wages of the soldiers, with the purpose that they would fight in war. Accordingly, Jesus Christ himself had clearly showed that he did not forbid Christians from waging war.⁶⁹ The second proof was the

⁶⁸ "Statuenda nihilominus est haec conclusio. Non solum fas est Christianis bella gerere, servatis conditionibus, de quibus in sequentibus, sed etiam aliquando melius id est, quam contrarium. Poteritque esse eventus, in quo culpa lethalis sit, non bellare. Prima pars communis fuit semper in Ecclesia. . . . Afirmareque bellum universim esse illicitum, error sane est in fide." *Disputatio* 99, no. 3.

⁶⁹ "Probatur I. pars conclusionis I. ex illo Joannis Baptistae *Lucae* 3. Interrogantibus namque militibus *Quid faciemus et nos?* respondit *Neminem concutiat, nequem calumniam faciat, sed contenti estote stipendiis vestris.* . . . quibus proprium stipendium sufficere debere praecepit, militare utique non prohibuit. . . . Addit August. . . . *ipsum dominum Jesum Christum audiant, hoc stipendium jubentem reddi Caesari, quod Joannes dicit debere sufficere militi. Reddite, inquit, quae sunt Caesaris, Caesari, et Deo, quae Dei sunt. Ad hoc enim tributa praestantur, ut propter bella necessario militi stipendium praebeatur.*" *Disputatio* 99, no. 4.

legality of war under natural law and written law. Abraham had fought against four kings (Genesis 14), even before the written law. And there are also many wars in the Old Testament, some of them ordered by God, as with the war of Saul against the Amalecites. Saint Paul also says that the Saints defeated kingdoms with their faith (Hebrews 11).⁷⁰ The third proof was the king's power to punish the internal wrongdoers and rebels (Rom. 13). If the king could punish these internal enemies, then he could also punish the external enemies, defending and protecting his subjects.⁷¹ The fourth proof was the example of the very holy men, not only from the Old Testament, such as Moses, Josue, David, the Maccabeus, and others that declared offensive wars, but also from the New Testament: the centurion, whose son Christ healed and whom he did not order to desert. The example of another centurion can be found in the Apostle's story 10. Saint Sebastian and S. Martin were soldiers. Constantinus, Theodosius, and other Christian emperors waged wars, with the advice of popes.⁷²

In conclusion, war was permitted, sometimes it was better than the contrary, and there was even the possibility to commit a mortal sin when Christians did not fight. The pertinent question concerned the conditions which had to be respected.⁷³

⁷⁰ "Secundo bellum licitum fuit in lege naturae, ut constat ex pugna illa Abrahami, *Genes. 14.* cum quatuor illis regibus ante ullam legem scriptam: ... licitum etiam fuit bellum in lege scripta, ut ex Moyse, Josue, Samsone, Gedeone, Davide, Machabaeis et denique ex tota scriptura veteris testamenti est manifestum, nonnullaque eorum praecepit Deus, ut bellum Saulis contra Amalechitas; quin et Paulus ad Hebraeos II. ... ait: *Sancti per fidem vicerunt regna*: ergo bellum non est contra legem naturae; sed Christus Dominus in Evangelio ea solum prohibuit, quae erant contra legem naturae..." *Disputatio* 99, no. 5.

⁷¹ "Tertio, licitum est regibus stringere gladium adversus malefactores, et seditiosos suae Reipublicae, ut constat ex illo ad Romanos 13. ... ergo licitum etiam erit eis stringere gladium adversus hostes externos in defensionem ac protectionem suorum subditorum." *Disputatio* 99, no. 6.

⁷² "Quarto probatur exemplo sanctissimorum hominum, non solum in veteri testamento, ut Josue, Davidis, Machabaeorum, et aliorum, qui bella offensiva intulerunt, sed etiam in novo. Christo enim placuit Centurio, cuius puerum sanavit: de quo Augustinus 22. contra Faustum cap. 74 ait, ... fidem laudavit, non illius militiae desertionem imperavit. Christo item placuit ille alius Centurio *Actorum* 10. ... Martinus etiam adhuc miles, itemque Sebastianus, et multi alii milites... Christo placuerunt. Constantinus praterea, Theodosius, alique Christianissimi Imperatores, consilium pontificum sanctissimorum, ut Sylvestri, et Ambrosii bella gesserunt..." *Disputatio* 99, no. 8.

⁷³ "Non solum fas est Christianis bella gerere servatis conditionibus ... sed etiam aliquando melius est quam oppositum, imo poterit esse culpa mortale non bellare." *Disputatio* 99, no. 3.

VIII. THE PROBLEM OF JUST WAR AND JUST WAR ON BOTH SIDES

The first meaning of the words “just war” is that the war is just on one side. One of the fighters has reason on his side, the other one has not.⁷⁴ It supposes the guilt of the opponent and is fought to obtain reparation of the suffered injustice, whether the sovereign that wages it pretends at the same time to recover his property and to obtain compensation for the suffered damages, or not.⁷⁵

Beyond this meaning, Molina develops a second point of view, according to which a war can be said to be just on both sides—only with even greater and decisive justice on one of them. To explain this idea, Molina distinguishes two kinds of committed injustice, which can bring the other side to the position of beginning an offensive just war: material and formal injustice.

Formal injustice is based on some guilty behavior on the side against whom the war will be waged. Molina interprets the old definitions of St. Augustine⁷⁶ and St. Thomas Aquinas⁷⁷ as related to this kind of injustice. It is an injustice that arises from a subjective offense. It supposes that the offender has knowledge of the committed offense, that he is guilty, and sins.

But it may also happen that a just war can be waged against an opponent, which, although he may have committed some kind of injustice, he did so without guilt, because he ignored the injustice of his behavior. In these circumstances Molina speaks about material injustice as an injustice that arises out of an objective offense of the rights of the other side, but perpetrated without the guilt of the offender. It is enough to justify a just war. It does not suppose knowledge, guilt, or sin on the side of the

⁷⁴ About the problem of the just causes of war, see Costello, *The Political Philosophy of Luis de Molina*, 112–24, Prieto, *La Paz y La Guerra*, 139–60 and Iribarne, *Luis de Molina y el Derecho de la Guerra*, 104–33.

⁷⁵ “Juxta hactenus dicta possumus distinguere duplex genus belli offensivi. Unum, quod infertur ad ultionem sumendam de injuria illata, sive simul intendamus recuperare nostra, resarcireque damna nobis illata, sive non. Atque, ut hoc justum sit, necesse est praecedat culpa in hostibus . . .” *Disputatio* 102, no. 4.

⁷⁶ “Consentaneae loquitur August. c. dominum 23. quaest. 2. dum ait, iusta bella definire, quae vulsciscuntur iniurias, si qua gens, vel civitas, quae bello petenda est, vel vindicare neglexerit, qui a suis improbe factum est, vel reddere quod per iniurias ablatum est.” *Disputatio* 102, no. 1.

⁷⁷ “Et D. Thom. 2.2. quaest. 40. artic. I. dum referens haec Augustini verba, ad justam belli offensivi causam, ait necessarium esse, ut qui eo impugnantur, propter aliquam culpam impugnationem mereantur.” *Disputatio* 102, no. 1.

offender, but still justifies the just war against the offender.⁷⁸ As Frank B. Costello synthesizes it, this “second type of offensive war is undertaken to recover what belongs to a party which is now, as the result of invincible ignorance, being retained by another and there is no other way to get it back. In this type of war a material injury suffices; it is not necessary that there be previous moral fault.”⁷⁹

This means that a war can be waged against a sovereign that has taken away or retains something that belongs to another sovereign, but thinks that he has the right to retain what he has in his power and considers the opponent as guilty, because the opponent wants to recover what he has taken away or retains. What matters is that this sovereign does not know, and his ignorance is invincible, that he holds possession without any reason. Molina establishes “invincible ignorance” as a state of mind, existing in the moment when the sovereign has put all morally possible diligence in clearing the doubts that had arisen in relation to his alleged rights, consulted and followed the judgment of expert and god-fearing persons,⁸⁰ and is still convinced that he has the right he thinks he has.⁸¹ If he handled it so he is not guilty and if he fights, the war, on his side, and this means in the way he sees it, would be formally just.

However, as the sovereign is, in fact, wrong, an objective, material cause does not exist on his side. Then there is really no material ground for him to fight—on his side, and although he does not know it and is convinced of the contrary, the war is materially unjust.

Now, the other sovereign is convinced that, on his side, in the way he sees it, the war is formally just. He is convinced that the other party is guilty of having in his possession what does not belong to him, wishes to recover what he has taken away or retains, and there is no other way to achieve the purpose of recovering his possession. As he sees it, because

⁷⁸ “... ab bellum justum sufficere interdum injuriam materialiter, hoc est absque peccato.” *Disputatio* 102, no. 2.

⁷⁹ Costello, *The Political Philosophy of Luis de Molina*, 116.

⁸⁰ “... sed si invencibiliter erret, quia moraliter adhibuit diligentiam, secutaque est iudicium peritorum, ac timoratorum...” *Disputatio* 103, no. 11.

⁸¹ This concept of “invincible ignorance” was criticized by Alfred Vanderpol, in his treaty *La Doctrine Scolastique du Droit de la Guerre* (Paris: 1925), seeing in the concept the introduction of moral probabilistic thinking in the definition of “just war” and the conversion of war in a simple method of resolving conflicts, with the loss of her medieval ethical foundations. This critic raised a discussion about the nature of Molina’s ideas about war and especially about his concept of just cause. Information can be found in Iribarne, *Luis de Molina y el Derecho de la Guerra* (89–143, esp. 101–05), who also participated, taking position against the critic of A. Vanderpol.

what the other one has in his possession belongs to him, the war is, on his side, also formally just.

The point is, if this second sovereign is right, the objective, material cause exists on his side. While the behavior of his opponent is based on invincible ignorance, this second sovereign has, in fact, a material ground to fight. Accordingly, on his side the war is not only formally but also materially just.

Molina concludes that there can be a war which on one side is materially and formally just, and on the other side, although not materially just is still formally just: the war can be said to be just on both sides. But considering the case that on one side the war is not only formally, but also materially just,⁸² then this is the decisive position. Because the war is formally just on both sides, in fact none of them is guilty and consequently the only valid reason for war is the material injustice. But the material injustice is enough.⁸³ It would, however, be impossible for a war to be formally and materially just on both sides. This would be the most absurd thing that could be said.⁸⁴

This distinction has an important consequence. If none of the sovereigns is guilty because the war could be seen on both sides as formally just and the only justification for it is the material injustice, then the side that wages the materially just war is only allowed to do what is necessary to recover from the opponent what belongs to it and finds itself without reason in the power of the opponent. It is not possible to make more than this, because if it cannot be said that the opponent is guilty, then it is not possible to punish him: without guilt there can be no punishment. This does not mean that the operations of war must be milder. The opponent can be fought until his death and destruction, if this is necessary to put an end to the material injustice.⁸⁵ But if this is not necessary, or if the other side does more than what is necessary to achieve the end of war,

⁸² "...erit bellum justum utraque parte; sed ex una formaliter simul et materialiter; ex alia vero formaliter tanto." *Disputatio* 103, no. 11.

⁸³ "Alterum genus belli iusti est, ad occupandum nostra, eave, quae nobis debentur, quando ignorantia invincibili detinentur, neque alia via obtinere ea possumos. Et ad talle bellum necesse non est praecedat culpa, sed satis est si praecedat injuria materialis..." *Disputatio* 102, no. 5.

⁸⁴ "... (id autem concedere), sane esset concedere iustum bellum formaliter et materialiter ex utraque parte, quo nihil absurdus affirmari potest." *Disputatio* 103, no. 4.

⁸⁵ "In hoc secundo belli iusti genere, cum nulla sit culpa ex parte hostium, solum licet facere adversus eos, quod necessarium est ad extrahendum de ipsorum potestate, quae injuste materialiter detinent: etiamsi id sit cum eorum interitu ac caede coniunctum." *Disputatio* 102, no. 6.

it is obliged to return what exceeded the means that were necessary to the end.⁸⁶ In the limit, if, for instance before the declaration of war, all the necessary information was not given and the positions of both sides were not well studied and cleared, even the costs of a materially just war cannot be claimed, because this would consist in a punishment of the other side and who acted under invincible ignorance cannot be declared as guilty and cannot be punished.⁸⁷

IX. DECRIMINALIZING OF WARFARE AND ECONOMIC PROFIT

As N. Brieskorn remarks, Molina does not comment on the problem of war in connection with the problem of "De Homicidio," as the jurists of the late Middle Ages had done, but in connection with the law of property.⁸⁸ This placing of the center of his considerations in the material aspects of war means a decriminalizing of war.⁸⁹

Once Molina took position in favor of the legitimacy of war and justified it,⁹⁰ the moral obstacles were removed in a way that warfare could be seen, from then on, as belonging to the normal affairs of the state. In this sense, war meant no more than an imposed transmission of property, as Molina had already said quite clearly in *disputatio* 98. War had to be seen from the point of view of the transmission of property, with the remark that those who lost property lost it against their own will. In other words, the problem of war in the theory of Molina was the problem of how to legalize violent dispossession.

To see war as a form of the transmission of property meant seeing it as a juridical problem. In his considerations he sees it as a very complex event, and wishes to introduce order in a space where very different requirements competed with one another. To create this order, Molina proceeded along two ordering lines of thoughts. On the one hand, he analyzed the problems under juridical categories, such as guilt, the justice

⁸⁶ "Extrahenda tamen sunt cum quanta minori eorundem jactura id fieri possit: quo si aliquid amplius fiat, injustitia committitur cum onere restituendi." *Disputatio* 102, no. 6.

⁸⁷ "...ad belli expensas nunquam tenetur adversarius, nisi quando fuit in vera culpa pugnando, ita quod bellum ex parte sua fuit injustum, non solum materialiter, sed etiam formaliter. Observa tamen, quod si, antequam bellum inferatur, ea serventur, quae disputatione sequenti dicenda sunt deberi servari, raro eveniet, quin culpa sit saltem praesumpta, ex parte adversarii..." *Disputatio* 102, no. 6.

⁸⁸ N. Brieskorn, *Luis de Molinas Weiterentwicklung der Kriegsethik*, 172 and 168–70.

⁸⁹ *Ibid.*, 171.

⁹⁰ *Disputatio* 99 "Utrum bellum licitum sit aliquando."

of the war, the knowledge or the ignorance of the facts, the intention of those who wage the war, and reparation for damages.

On the other hand, Molina transferred the results of the juridical investigation to an economical frame. A way had to be found to compensate the damages and losses incurred as a result of war. In Molina's theory the legitimacy of just war has an important economic significance, precisely because it is this legitimacy that confers the right to compensation for the suffered damages and losses, and which hence justifies the economic profit. The risks of the war are materialized to correspond to the indemnities that have to be paid, the costs of the war, and the problem of victory itself is placed under the economic calculation of the chances of success. Dispossession in consequence of a just war means that one of the parties who take control of the property of the other has an economic advantage. The general principle of Molina is that whoever wages a just war should not, in the end, suffer economic damages. The determination of the legitimacy of war had to be made, to clear the right to compensation for the economic damages and losses that would necessarily arise. And this compensation was to be made at the expense of the one against whom the just war had been waged.

This orientation of thinking leads Molina in his immense casuistry to accentuate the economic advantages and disadvantages that are linked with warfare. War appears in his theory as something that is strictly connected with economic advantages for the one who wages it and these advantages are worth considering, but certainly not as the end of war, because to wage war with the sole purpose of obtaining property at the expense of the opponent is not grounds for a just war. But, if the war is a just one, then it is also just that it brings economic advantages, even in those extreme cases when the ground for a just war was deliberately provoked by the sovereign that wishes to wage it, against the opponent that would not give cause to war without provocation.

As long as the main end remains the spreading of the church and the salvation of souls, then it is legitimate to seek, as secondary end and as reward, the economic advantages.⁹¹ The state wins land, riches, and subjects, the soldiers are paid and may appropriate themselves of the riches

⁹¹ "Praecipuus ergo finis moventium ejusmodi bella esse debet, fines Ecclesiae extendere, pabulum doctrinae salutaris, lucemque Evangelii infidelibus inferre, et animas eorum ab interitu sempiterno vindicare: simulque minus praecipue, ac veluti in praemium laboris et industriae intendere quis posset eosdem sibi subicere, fortunisque illorum potiri." *Disputatio* 107, no. 5.

of the enemy. Material profit is an essential part of warfare and just war is its justification. The principle is that in a just war it is legitimate to take from the enemy not only that which possession gave cause to war, but also everything that is necessary to compensate the damages that were suffered with warfare and also all expenses of war. And under the concept of expenses of war should not only be understood the costs that had been made but also the just gain exceeding the compensations for the costs of war, in account of the work that had been done and the risks to which the state had been exposed.⁹²

X. CONCLUSION

Molina develops a very complex theory of war, in which different levels of requirements have to be balanced: to find a moral order to the actions of a violent multitude, to preserve the conscience of the sovereign of the danger of mortal sins, to justify the change in the order of property, to assure the compatibility of warfare with the Christian faith, to define the conditions according to which warfare was allowed, and to discuss the economic advantages of warfare—all of these requirements were present in every case related to war and had to be considered. As the highest premise that is present in the whole reflection, Molina places the supernatural end of mankind, which the Catholic church pursued, as a principle that gives internal coherence to the theory and leaves it open to consider the permanently changing events of the human world, without detaining itself in any one of them: whatever happened, “the common good and the glory and honour of God must always be kept in mind.”

⁹² “Deinde fas est in bello justo occupare ea omnia, quae ad nos pertinent, accipere de nobis hostium compensationem damnorum omnium, quae intulerunt, nec non impensas omnes belli. Impensarum nomine intelligendo, non solum sumptus belli, sed etiam justam mercedem pro laboribus, quos subierunt, et periculis, quibus se exposuerunt, quatenus belli sumptibus non fuerunt haec persoluta.” *Disputatio* 117, no. 2. Also *Disputatio* 106, no. 6: “... iustum praemium sui laboris et industriae: neque enim gratis tenentur se exponere periculis, suamque operam et industriam collocare...”

THE ECONOMIC THOUGHT OF LUIS DE MOLINA

Rudolf Schüssler*

Luis de Molina (1535–1600) was one of the most influential economic thinkers of the 16th century.¹ His massive treatise on justice and rights (*De iustitia et iure*), a work of more than 1,000 problems which mainly concern “justice in exchange” (*iustitia commutativa*), was the first Jesuit contribution to this genre, setting the pace for the economic doctrines of later Jesuits and others who often concealed their indebtedness to scholastic teachers. The vast canvas of Molina’s *De iustitia et iure* also provides a good introduction to the contemporary state of the art of scholastic thought on economic and related moral issues. By the late 16th century this state of the art included many new ideas about exceptions from usury, the nature of money, and the relation between money supply and inflation—to mention only a few. Hence Molina’s treatise provides an occasion to follow the evolution of economic thought from the Middle Ages to modernity through one of its decisive stages.

Of course, Molina is not the only author who could be consulted for this purpose. He is often regarded as a member of an “extended School of Salamanca” where—among other things—innovations in early modern scholastic economic thought abounded.² Although a scholastic author

* I would like to thank Wim Decock for helpful comments. All errors are, of course, my own.

¹ Molina’s contribution to economic thought is usually discussed in anthologies and overviews of late scholastic economic thought (see below). However, with Diego Alonso-Lasheras, *Luis de Molina’s De iustitia et iure: Justice as Virtue in an Economic Context* (Leiden: 2011), a monograph has appeared that focuses on the subject.

² Most overviews on early modern scholastic economic thought focus on Iberian scholasticism and the School of Salamanca. See André Azevedo Alves and José Manuel Moreira, *The Salamanca School* (New York: 2010); José Barrientos García, *Un siglo de moral económica en Salamanca 1526–1629* (Salamanca: 1985); Alejandro Chafuen, *Faith and Liberty* (Lanham: 2003); Abelardo Del Vigo Gutiérrez, *Economía y ética en el siglo XVI* (Madrid: 2006); Francisco Gómez Camacho, *Economía y filosofía moral. La formación del pensamiento económico europeo en la Escolástica española* (Madrid: 1998); Marjorie Grice-Hutchinson, *The School of Salamanca: Readings in Spanish Monetary Theory, 1544–1605* (Oxford: 1952); Josef Höffner, *Wirtschaftsethik und Monopole im 15. und 16. Jahrhundert* (Darmstadt: 1969); Bertram Schefold, “Spanisches Wirtschaftsdenken zu Beginn der Neuzeit,” in *Martín de Azpilcueta’s “Comentario resolutorio de Cambios” und Luis Ortiz’ “Memorial del Contador Luis Ortiz a Felipe II”*, ed. Grice-Hutchinson, Ernst Lluch, and Bertram Schefold (Düsseldorf:

should certainly be assessed with the scholastic tradition in view, we will not focus on the School of Salamanca for several reasons. Molina was a Jesuit and the School of Salamanca was predominantly Dominican. Despite much continuity between Jesuit and early modern Dominican thought, grave differences soon arose for which no single person was arguably more responsible than Luis de Molina. Subsuming Molina under the School of Salamanca thus tends to conceal some important aspects of his economic thought.

It may be asked, of course, how original Molina's *De iustitia et iure* was. We will assume that the appropriate yardstick for the originality of an early modern scholastic is the received opinion of his academic generation rather than the thought of famous earlier colleagues. Each generation of scholastics assessed the ideas and arguments of its predecessors and kept some debates going while settling others. We will therefore have to ask whether Molina's handling of received arguments differed much from his peers' and whether he added new arguments of his own. Seen from this angle his originality appears rather limited and far smaller than the path-breaking contributions of, say, Konrad Summenhart (c.1455–1502), John Major (1467–1550), Thomas de Vio (1469–1534), Juan de Medina (1490–1547), Martín de Azpilcueta (1491–1586), and Domingo de Soto (1495–1560), to mention only his—in my eyes—most important early modern scholastic predecessors.³

Why then should we care for the economic thought of Luis de Molina? As far as economic issues are concerned Molina excels less in new answers or new questions than in constructing a distinctively new outlook on justice and right as a whole. The architecture of his *De iustitia et iure* breaks away from earlier and contemporary models by boldly departing from Aquinas and focusing rather on property rights than on the usual scholastic varieties of law or right as guiding concepts. With this move and

1998), 5–36; Wilhelm Weber, *Geld und Zins in der spanischen Spätscholastik* (Munster: 1962). General histories of economic thought usually do not pay much attention to late scholasticism so that Joseph Schumpeter, *A History of Economic Analysis* (London: 1954) remains valuable. Murray Rothbard, *Economic Thought before Adam Smith* (Cheltenham: 1996) shows enthusiasm for scholastic economics but his account is often unreliable.

³ The first mentioned four are not Salamancans, which is a further reason not to focus too much on the School of Salamanca. On the other hand, most of the authors who published at roughly the same time as Molina, and whom we will use as peers, came from Salamanca. But these are authors from whom Molina *differs* in outlook. All this does, of course, not mean to deny that the School of Salamanca was of great importance for late scholastic economic thought. It just means that its importance should not be overrated.

with the consistent adoption of the most (economically) liberal aspects of prevailing scholastic thought, Molina positions himself at the liberal extreme of his scholastic generation. The question whether scholastic authors were “proto-liberals” is, of course, hotly contested. We will testify in this trial, showing in which way Molina was more liberal than his peers, although it should not be forgotten that no Catholic scholastic could have been a liberal in the modern sense.

The liberalism debate leads to an important but often neglected line of Molina’s influence on 17th-century Catholic economic morality. The controversial teachings on freedom and grace of his *Concordia* had a significant impact on early modern moral theology by creating a seedbed for a liberty-centered school of casuistry. This school argued for a liberalization of morality which was often decried as “laxism,” that is, as being too lenient and too much concerned with liberty in the sense of free choice. The ideas of the liberty-centered moral theologians dismantled many of the remaining restrictions of scholastic economic morality. Molina did not partake in this development, which began to blossom shortly after his death, but he helped to lay its foundations.

A chapter on Molina’s economic views will, of course, also have to discuss standard themes of scholastic economic thought: property, money and exchange, just price, and usury. We could easily add more economic topics which deserve to be discussed, for example, just wages, taxation, or even special problems like insider trading and principles for the just division of profits between shareholders.⁴ However, limitations of space do not permit to venture into these usually less frequented regions of Molina’s *De iustitia et iure*. In the following we will, after an introduction into the literary genre “De iustitia et iure,” mainly discuss the mentioned standard themes and add only two sections on liberal aspects of scholastic economic thought and their connection to new trends in early modern Catholic moral theology. In final consideration, hopefully, Molina’s double role as representative of the scholastic state of art in the last quarter of the 16th century and as a father of liberal trends in 17th-century scholastic economic and moral thought will become perspicuous.

⁴ On the treatment of inside information in late scholasticism see Wim Decock, “Lessius and the Breakdown of the Scholastic Paradigm,” *Journal of the History of Economic Thought* 31 (2009): 57–78.

I. THE GENRE "DE IUSTITIA ET IURE"

Molina's contribution to economic thought derives mainly from his huge treatise "De iustitia et iure," a genre which became fashionable in the 16th century and whose purpose and design should be considered before we discuss its content.⁵ Theological treatises "De iustitia et iure" were a sideline of the tradition of commentaries on the second part of the second part (*Secunda secundae*, Part II–II) of Thomas Aquinas's *Summa theologiae*. The 189 questions and discussions of Part II–II contain Aquinas's Christian–Aristotelian virtue ethics, with an emphasis on justice (questions 57–122). Questions 57–79 treat right (*iustus*), justice, its object and varieties, paradigmatic acts of justice and opposed vices. From question 80 to 100 religion is discussed as a virtue annexed to justice, whereas questions 101–22 deal with other virtues (and vices) annexed to justice.⁶ The tradition of commenting Aquinas's *Summa* had begun in earnest at the close of the 15th century and evolved rapidly into a dominant textbook tradition in Catholic theology.⁷ All parts of the *Summa* were commented upon, but some more than others, and II–II was standard material in scholastic lecture rooms. In fact, the commentaries, including those on "De iustitia et iure," were usually based on the lecture notes of a scholastic professor.

The first theologian who published a book with the title *De iustitia et iure* (in 1553/54) was Domingo de Soto, a Dominican and an eminent member of the first generation of the School of Salamanca. Soto discussed question 57 to question 100 of II–II, thereby creating a format which many other scholastics adopted. Molina, in contrast, focused on questions 57

⁵ Molina's *De iustitia et iure* was published over several years from 1593 (Cuenca) onward. We will use the six-volume 1659 (Mainz) edition which is easily accessible on the Internet (<http://galenet.galegroup.com>). A Spanish edition was edited by Fraga Iribarne in 1941–44. Recent editions of parts of the work exist: Luis de Molina, *La teoría de justo precio*, ed. Francisco Gómez Camacho (Madrid: 1981); Luis de Molina: *Tratado sobre los cambios*, ed. Francisco Gómez Camacho (Madrid: 1990); Stephen Grabill, *Sourcebook in Late-Scholastic Monetary Theory: The Contributions of Martin de Azpilcueta, Luis de Molina, and Juan de Mariana S. J.* (Lexington: 2007).

⁶ For these distinctions see Jean Porter, "The Virtue of Justice," in *The Ethics of Aquinas*, ed. Stephen Pope (Washington, D.C.: 2002), 272–86, where a more detailed outline is presented. The structure of Gregorio de Valencia's, *Commentarii theologicorum complectens omnia secunda secundae* (Venice: 1608) on II–II is also instructive; disputation V discusses basic justice and related vices, disputation VI focuses on religion as annexed virtues, disputation VII sums up other annexed virtues and vices.

⁷ On commentaries on the *Summa theologiae* see Burckhardt Löber, *Das spanische Gesellschaftsrecht im 16. Jahrhundert* (Freiburg: 1966); Anton Michelitsch, *Kommentatoren zur Summa Theologiae de hl. Thomas von Aquin* (1924; repr. Graz-Wien: 1981).

through 79, a decision which already separates his work from the mainstream of the theological treatises “De iustitia et iure.”⁸

Besides the theologians, many lawyers also wrote treatises on justice and rights.⁹ The lawyers used some authoritative work of jurisprudence rather than Aquinas’s *Summa* as point of reference. This is of some importance because it shows that the rise of theological treatises “De iustitia et iure” signifies more than the immanent unfolding of Thomism—it was also an attempt to compete with lawyers.¹⁰ Such competition was a result of the strong affinities that jurisprudence and theology had developed during the Middle Ages.¹¹ The more practical ranges of medieval theology touched upon canon law, and the guidance of consciences was often regulated by rules coming from canon law or scholastic versions of Roman civil law. This should not be mistaken for a sign of perfect harmony between law and faith because it often led to competition and rivalry. Theological constraints for professional practices¹² bolstered the influence of theologians and the church, whereas emphasis on civil law served the civil lawyers and civil authorities. It is therefore not surprising that theologians wielded a “moral sword” in the arena of practical ethics, asserting their influence against purely legalistic (i.e. civil law) views of right and wrong.

The rivalry between lawyers and theologians is one reason why theological treatises “De iustitia et iure” often dealt with far more aspects of practical ethics, mainly in terms of applied justice, than Aquinas’s *Summa* II–II. The *Summa* is an introductory work that does not delve into every detail of medieval practical ethics. Many early modern commentators on II–II, on the other hand, wanted to discuss justice more broadly. They gave considerable weight to applied questions and drew from all textual

⁸ See the statement in Luis de Molina, *De iustitia et iure* (Mainz: 1659), tom. 1, p. 1, auctoris consilium (*De iustitia et iure* = *I&I*).

⁹ See, e.g. Ioannes Corasius, *In titulum Pandectarum de iustitia et iure ac sequentes legum iuris, magistratuumque titulos commentarii et de iurisdictione* (Lyon: 1558), who published his treatise roughly at the same time as Soto. Legal discussions “de iustitia et iure” on Digest 1, 1, 1 were quite common (thanks for this reference to Wim Decock). Wim Decock, *Theologians and Contract Law: The Transformation of the Ius Commune* (Leiden: 2013) now provides a detailed and comprehensive analysis of the overlap of early modern theology and contract law. Molina’s contributions to this field are addressed in several places in Decock’s book.

¹⁰ Thus explicitly Molina, *I&I*, tom. 1, p. 1, auctoris consilium.

¹¹ On the emergence of moral theology as a discipline, see John Mahoney, *The Making of Moral Theology* (Oxford: 1987); Johannes Theiner, *Die Entwicklung der Moralthologie zur eigenständigen Disziplin* (Regensburg: 1970).

¹² By “professional practices,” I mean the professional activities of merchants, lawyers, doctors, clerics, and rulers for which a moral casuistry emerged in the Middle Ages.

traditions in which justice and its problems had figured prominently. Thus the content of treatises on “De iustitia et iure” can come from as far afield as scholastic “mixed question books” (*quodlibeta*), commentaries on Peter Lombard’s *Sentences*, *Summae* for confessors, or specialized texts on contracts. Although the net was cast wide, distributive justice—one of the main concerns of modern ethics—did remain a sideshow. The overwhelming mass of questions on justice in the scholastic tradition focuses, as with Aquinas’s II–II, on *iustitia commutativa* (justice in exchange), the other Aristotelian branch of justice.¹³

It would be wrong to believe that Aquinas’s answers prevailed in all disputes. Many professors (at least until late in the 16th century) cultivated an “open” attitude towards Aquinas and rival medieval scholastics. Aquinas’s word was not treated as gospel and occasionally a non-Thomist solution could be preferred. More often, however, passages in Aquinas’s works were artfully interpreted in ways that rendered them compatible with up-to-date scholastic doctrine. The current state of scholastic debates in our period is important for us because commentaries on II–II were taught in the classroom. Lectures on II–II were not just meant as elucidations of Aquinas, but as preparation for real decision-making in full awareness that many students of theology would fill positions of influence after graduation.¹⁴ Therefore, Aquinas’s teachings were constantly confronted with problems of the day, and in the 16th and 17th centuries, a period of war, globalization, and rapid economic change, it is not surprising that these included problems of justice. Late scholastics were also very conscious of the progressive character of their discussions, noting whether a near consensus had been reached or a debate had branched. For this reason focusing on opinions of famous authors who belong to different stages of a debate can be misleading. It veils the fact that scholastic debates often moved forward step by step, academic generation by academic generation. An assessment of the originality of Luis Molina should therefore compare his opinions to those of his own academic generation, or following Abelardo del Vigo’s suggestion, to scholastics who published

¹³ On the imbalance between commutative and distributive justice in Aquinas’s II–II see Porter, “Justice,” on respective changes in Suárez see Daniel Schwartz, “Suárez on Distributive Justice,” in *Interpreting Suárez*, ed. Daniel Schwartz (Cambridge: 2012). Decock, *Theologians and Contract Law*, 507–604 contains the most up-to-date and comprehensive analysis of fairness in exchange in early modern scholasticism.

¹⁴ See Molina, *I&I*, tom. 1, p. 1, auctoris consilium.

their treatise “De iustitia et iure” in the early 1590s.¹⁵ We will therefore pay special attention to five authors: Luis Molina and Gregorio de Valencia (1549–1603, both Jesuits), Domingo Bañez (Dominican, 1528–1604), Pedro de Aragon (1545–92) and Miguel Salon (1538–1620, both Augustinian friars).

Two of the mentioned authors (Bañez, Aragon) followed Aquinas closely, Salon and Valencia strayed notably from the Dominican saint, and Molina moved far beyond him. The main reason for Molina’s strong divergence stems from the extraordinary influence of treatises “On contracts” (*de contractibus*) on his work. Such an influence was already notable in Soto, but in Molina it became dominant. Short treatises on contracts had already been written in the Middle Ages but Konrad Summenhart’s titanic *Opus septipertitum de contractibus* (1500) was the first “blockbuster” of this genre which engendered further blockbuster production.¹⁶ We may even date a new epoch of scholastic inquiries into justice, contracts and economic morality from Summenhart’s immensely influential work.¹⁷ Authors commenting on Aquinas’s II–II had therefore to decide how much their work would reflect this mighty new trend. Most of them opted for a compromise by extending the questions on contracts far beyond the number and scope they had received in Aquinas.¹⁸ As a result some treatises “De iustitia et iure” began to resemble specialist works on contracts or even on business ethics.¹⁹ There is a discussion among Molina’s

¹⁵ Abelardo Del Vigo Gutiérrez, *Cambistas, mercaderes y banqueros en el siglo de oro español* (Madrid: 1997), 149. Del Vigo bundles Aragon, Bañez, Molina, and Salon, but omits Valencia although Valencia published his commentary on II–II in 1595.

¹⁶ For a discussion of medieval tracts on contracts see Odd Langholm, *Economics in the Medieval Schools: Wealth, Exchange, Value, Money and Usury according to the Paris Theological Tradition 1200–1350* (Leiden: 1992); Giacomo Todeschini, *Ricchezza Franciscana: Dalla povertà volontaria alla società di mercato* (Bologna: 2004).

¹⁷ The more common dating from Vitoria and the beginnings of the School of Salamanca appreciates the huge influence of this School and focuses on the commentaries to Aquinas’s *Summa*. However, it neglects that the first canonical texts (in the sense of canonically quoted) of the early modern tradition of scholastic economic analyses antedate the School of Salamanca and that the genre “De iustitia et iure” cannot be adequately understood without reference to the genre “De contractibus” (and “De restitutione” which is, however, less relevant for Molina).

¹⁸ The huge expansion of discussions on contracts and their foundations (e.g. the concept of *dominium*) introduced many foreign elements into officially Thomistic commentaries (see Decock, *Theologians and Contract Law*; James Gordley, *The Philosophical Origins of Modern Contract Doctrine* [Oxford: 1991]). However, Aquinas himself in some sense opened the door for such developments because he singled out restitution, a thoroughly property-related activity, as paradigmatic act for commutative justice; see Porter “Justice,” 279.

¹⁹ Textual production in this area led to massive tomes with titles like “Instructions for businessmen” (*Instructorium negotiantium*) in the 16th century.

peers as to whether concise or extensive treatments of “*De iustitia et iure*” should be preferred.²⁰ Bañez, Molina’s arch-opponent, opts for brevity (so does Aragon), and Molina (like Salom) argues for comprehensiveness. Naturally, the comprehensive treatises deviate more from Aquinas than the shorter ones.

Molina’s *De iustitia et iure* is an example in point, containing more than 1,000 “disputes” (*disputationes*, equivalent to questions in other treatises).²¹ Molina’s main subjects are property rights (*dominium*), transfer of property rights, and justice in exchange (*iustitia commutativa*).²² After introducing the concepts of right (*ius*), justice, and property, Molina deals with the origins of property and war as a means of violent property acquisition. He then proceeds to last wills and means of one-sided property transfer. In the following huge second tract of *De iustitia et iure* with 323 disputations, contracts are discussed as a means for the transfer of property rights. Molina’s economic thought is contained mainly in this second tract, which is a full-fledged work “*De contractibus*.” The third tract analyzes *dominium* over one’s own body, limbs and their exertions, as well as crimes that are related to these goods. Tract four adds *dominium* and crimes concerning honor, reputation, or spiritual goods. In a fifth tract Molina deals with law and jurisdiction.²³

From this outline it transpires that questions of property rights form the backbone of Molina’s work on justice and rights, in contrast to Aquinas’s II–II and many other treatises “*De iustitia et iure*.” This is in itself an important message if we ask in which direction early modern thought was pushed by Molina’s work.

²⁰ See Del Vigo, *Cambistas*, 149.

²¹ The number of disputes is 1,002 according to the table of contents (tract 1: 13 disp.; tract 2: 760; 3: 106; 4: 51; 5: 72). The real number is 1,003, however, because tract 5 contains 73 disputations instead of the announced 72.

²² The rendering of *dominium* as property right requires an explanation since it may also mean a power or “right of control.” The property rights related meaning of *dominium* is especially apt in the context of Molina’s *De iustitia et iure*, and it is also relevant that modern economic notions of property rights can also embrace use rights and control rights. On this question see also section 2 below.

²³ The part on law of this tract was posthumously integrated into *I&I*, see José Díez Alegría, *El desarrollo de la doctrina de la ley natural en Luis de Molina y en los maestros de la Universidad de Evora de 1565 a 1591* (Barcelona: 1951), 152. Molina, *I&I*, tom. 1, p. 2, auctoris consilium, announces a sixth tract on distributive justice, which is not part of any edition of Molina’s *De iustitia et iure*. There exists, however, a manuscript of Molina on *iustitia distributiva*. In a letter of 1582 he already intended to include the treatment of distributive justice to the extent of four disputations into his planned treatise on *De iustitia et iure*. See Beatriz Sosa Morato, *La noción de derecho en “Los Seis Libros de la Justicia y del Derecho” de Luis de Molina* (Pamplona: 1985), 27 for excerpts from the letter.

II. PROPERTY

Molina, like most scholastics of his time, approved the institution of private property.²⁴ The division of things (*divisio rerum*) into privately owned property and some remaining communal goods was seen as a precondition for peace, social harmony, and growing wealth under conditions of scarcity. This view had already prevailed in the Middle Ages. What had changed on the way to early modernity was the conceptual framework for the discussion of property. On this long and winding road, the concept of *dominium* had gradually gained in importance relative to the notion of right (*ius*).²⁵ *Dominium* was, roughly speaking, a right of action within the limits of law. From 1500 onward decisive steps occurred in the discourse concerning this kind of rights. Konrad Summenhart used the concept of *dominium* synonymous to *ius*.²⁶ This equation went too far for commentators on Aquinas, who nevertheless reacted to the prominence of *dominium* in treatises on contracts (as Summenhart's) by giving it a central place in their treatises, too. *Dominium* became a conceptual tool not only for the analysis of contracts but also for justice in exchange and the hierarchy of goods. Since *dominium* comes close to the modern notion of a property right in these contexts, Summenhart's momentous move led to the rise of a property rights perspective in early modern scholasticism, even among those who criticized his equation of *dominium* and *ius*.

Molina is a good example of this development.²⁷ He signified disagreement with Summenhart by repeating Bartolus's old medieval formula that *dominium* is a perfect right to dispose of corporeal things within the limits of law.²⁸ He broadened this definition by including property rights for noncorporeal things (like licenses to teach) but *dominium* remained

²⁴ Molina, *I&I*, tract. 2, disp. 20.

²⁵ There is a rich literature on *dominium* and its relation to the idea of subjective rights now. See, e.g. Annabel Brett, *Liberty, Right and Nature* (Cambridge: 1997); Brian Tierney, *The Idea of Natural Rights* (Atlanta: 1997).

²⁶ On the still puzzling and contentious role of Summenhart's analysis of *dominium* and *ius* see Brett, *Liberty*, 34; Jussi Varkeemaa, "Summenhart's Theory of Rights," in *Transformations in Medieval and Early-Modern Rights Discourse*, ed. Virpi Mäkinen and Petter Korkman (Dordrecht: 2006), 119–47.

²⁷ For Molina's rejection of Summenhart see *I&I*, tract. 2, disp. 3, n. 6. Molina's discussion of *ius* is amply analyzed in Díez Alegría, *Desarrollo* and Sosa Morato, *Noción de derecho*.

²⁸ Molina, *I&I*, tract. 2, disp. 3, n. 1: "Est ius perfecte disponendi de re corporali, nisi lege prohibeantur." See also Wilhelm Weber, *Wirtschaftsethik am Vorabend des Liberalismus. Höhepunkt und Abschluß der scholastischen Wirtschaftsbetrachtung durch Ludwig Molina S.J.* (Munster: 1959), 69.

a subcategory of *ius*. Nevertheless, *dominium* rather than *ius* dominates the scenery of Molina's *De iustitia et iure*. While the title speaks of *ius*, the work is built around questions of *dominium*. Tract two of *De iustitia et iure* contains a long analysis of contracts, and the exchange of property rights (*translatio dominii*) was the essence of the concept of contract. Molina also opened his third and fourth tracts with questions about *dominium*. In the first disputation of tract three he asked whether human beings are master (*dominus*) over their own lives and limbs.²⁹ As a good Catholic, Molina hastened to clarify that God is the owner of human lives and bodies. For this reason, suicide is unconditionally evil because it deprives the owner of his rightful good. On the other hand, human beings as free agents have mastery over their "operations" (*operationes*). Hence, they may legitimately sell their ability to work and they may enter into obligations to act.

Treatise four deals with the goods of honor and reputation (*honor et fama*) which were lower in rank than the goods of life and bodily integrity but more valuable than external goods in the traditional scholastic hierarchy of goods.³⁰ Consequently, at the beginning of tract four of *De iustitia et iure*, Molina asked whether human beings are master of their honor and reputation.³¹ This time the answer was contentious. According to Molina, the famous early modern scholastics John Major and Thomas de Vio (Cajetan) had assumed that human beings were not free to deal with their honor and reputation but restricted by obligations to others, above all to church and state. Against this view authors from the first generation of Salamanca (Azpilcueta, Soto) and others had argued that human beings have *dominium* over their honor and reputation. Molina regarded this view as common opinion in his time. Honor and reputation thus became assets for strategic use. They could be freely employed or dispensed within the limits of law in order to serve the purposes of their owner. Domingo de Soto had even made clear that honor and reputation were some sort of capital. They could be used like money, measured with

²⁹ Molina, *I&I*, tract. 3, disp. 1: "Utrum homo dominus sit suae propriae vitae suorumque membrorum." Self-possession is a key element of possessive individualism, one of the pillars of modern liberalism.

³⁰ See the discussion in Domingo de Soto, *De iustitia et iure libri decem* (Lyon: 1559), lib. 4, q. 2 and Janet Coleman, "Pre-Modern Property and Self-Ownership Before and After Locke," *European Journal of Political Theory* 4 (2005): 125–45; Rudolf Schüssler, "Moral Self-Ownership and *ius possessionis* in Late Scholastics," in Mäkinen and Korkman, *Transformations*, 149–72.

³¹ Molina, *I&I*, tract. 4, disp. 2: "Utrum homo sit dominus proprii honoris ac fama."

a monetary rod, and compensated with money (rather than with blood).³² However, Soto did not structure his treatise “De iustitia et iure” around the order of goods as Molina did. The strength of Molina’s preoccupation with the order of goods is outstanding among 16th-century scholastics, so much in fact that his approach may be regarded as a consistent property rights account of the goods of man.

In his account of the origins of private property, Molina proceeded much more traditionally by starting from a state of nature.³³ A natural state without government and property rights was a standard assumption of scholastic political theory. It was often assumed that after the fall of man individuals who chose to cultivate and meliorate their goods would become prime targets for rivals with superior force.³⁴ Therefore, progress and an accumulation of wealth seem to presuppose government and private property. Molina accepted this view only with some qualifications. Juan de Medina, as many commentators believed, had regarded the institution of private property as a natural right by assuming that everybody is naturally entitled to institutions which right reason recognizes as necessary for life. Molina, who took Medina as a sparring partner for discussion, acknowledged the utility of private property but he denied that right reason alone proves that private property is necessary for survival.³⁵ Small groups of men could thrive without the institution of private property in environments with a natural abundance of goods. Only in large human societies or under conditions of scarcity is private property indispensable for an appropriate standard of living. In final consideration, therefore, the institution of private property was neither a general precept of natural law nor commanded by God but “man-made,” a universal institution of human law designed to overcome scarcity.³⁶ In scholastic terminology it is *de iure humano gentium*, a feature of the law of nations, because all peoples (*gentes*) acknowledge the institution of private property. As such it is legitimate because natural law does not prohibit the division of goods,

³² Soto, *De iustitia et iure*, lib. 4, q. 2, a. 3, 213.

³³ See Molina, *I&I*, tract. 2, disp. 20.

³⁴ For an overview of scholastic conceptions of a state of nature see Bernhard Töpfer, *Urzustand und Sündenfall in der mittelalterlichen Staatstheorie* (Stuttgart: 1999). “Hobbesian” tones concerning the state of nature were not uncommon in early modern scholasticism (see Harro Höpfl, *Jesuit Political Thought* [Cambridge: 2004]). For Molina’s concept of a state of nature see Frank Costello, *The Political Philosophy of Luis de Molina* (Spokane: 1974); Weber, *Wirtschaftsethik*, kap. 1.

³⁵ Molina, *I&I*, tract. 2, disp. 20, n. 7.

³⁶ Del Vigo, *Economía*, 347.

which were initially given by God as common property to all men. In any case, neither Molina nor any other notable early modern scholastic who wrote on economic subjects had the slightest doubt that initial privatization resulted in an enormous boost for the welfare of human societies. Juan de Medina conspicuously added that poverty is no precept for ordinary Christians.³⁷ Hence, right reason quite clearly calls for the institution of private property (for many, but not necessarily for *all* privatizable goods!) under normal conditions of scarcity.

Molina, however, insisted on a further distinction. He warned that an obligation to institute private property does not yet amount to an act of institution creation.³⁸ This means that private property can only come into existence after the institution of property rights through a political process. Molina distinguished three modes of the *divisio rerum*: paternal power (Abraham, Noah), decision of an elected leader, consensus of all (*communi homini consensus*). He opts for paternal power as the historically most likely process but develops his arguments independently of the assumed mode of institution. The acquisition of ownerless goods by occupation is explicitly justified relative to all three modes, which in turn is an indication of what Molina means with his warning that an obligation to institute is not yet an act of institution. Acquisition by occupation, although being the right way of acquisition for ownerless goods, is not warranted by right reason as long as a society has no prior system of property rights—in other words, acquisition by occupation is no natural right in the (fallen) state of nature, even if everybody has an obligation to privatize. Moreover, a stress on legitimacy is implicit in Molina's three modes of *divisio rerum*. A father is the legitimate collective divider for a family, an elected(!) leader is a legitimate collective divider more generally, and obviously the consent of all satisfies this requirement, too. Molina mentions the example of Abraham and Loth in a way that turns their solution of a land quarrel into a fair division procedure—Abraham divided and Loth chose his preferred share of land.³⁹

³⁷ Juan de Medina, *De poenitentia, restitutione et contractibus* (1581; repr. Farnborough: 1967), tom. 2, q. 1, p. 4 ad 5.

³⁸ Molina, *I&I*, tract. 2, disp. 20, n. 7: "Aliud namque est obligatio ad faciendam rerum divisionem, aliud vero ipsa rerum divisio." Literally this means that an obligation to divide things is different from the division of things itself. Modern commentators (see Johann Kleinhappl, *Der Staat bei Ludwig Molina* [Innsbruck: 1935]; Weber, *Wirtschaftsethik*, 76) have played the importance of this distinction down but I regard it as crucial for understanding the peculiarities of Molina's position.

³⁹ My assumption that Molina was mainly insisting on a collective procedure of fair division renders the question whether he believed in a negative or positive concept of

There is a considerable difference, hence, between Molina's and (e.g.) Locke's conception of the origins of property. Molina insists, not unexpectedly, on the communal presuppositions of private property, which also form a basis for the communal regulation of property and its use. It should be noted, however, that these presuppositions are not required for the assumption of property rights (*dominium*) over one's own body, movements, work, honor, and reputation. Molina regards these property rights as natural. He therefore acknowledges the existence of natural property rights without giving free reign to appropriation.

III. THE JUST PRICE

The concept of just price is a core element of scholastic economic thought with direct relation to justice in exchange (*justitia commutativa*). In the Aristotelian tradition justice requires equality in exchange, so that the given equals the received in value.⁴⁰ Just prices were a means to safeguard this fundamental idea of equality, but the task proved to be complex. The scholastics distinguished between prices that were fixed by government regulation (*pretium legitimum*) and others that arose without government intervention (*pretium naturale*).⁴¹ For the latter Molina accepted the medieval assumption of a range of just prices rather than a point value. The highest value for a just price was called *pretium supremum*, the middle value was *p. medium*, the lowest value was *p. infimum*. Any price within this range was considered legitimate and, hence, just. Molina mentions [105, 100, 95], [11, 10, 9], and [11.5, 10, 8.5] as examples of just price intervals,

communality largely futile. According to a negative concept, goods were held initially in common but not meant for joint use and melioration as in the positive concept. Molina remains close to the negative concept by emphasizing that privatization could have been legitimate even in Paradise. Although in Paradise no need for privatization existed, the formal basis for legitimate possession and thus for privatization did exist: free will. If the requirement of a collective decision on privatization is regarded (in my eyes inappropriately) as a step towards a positive concept of communality, Weber's assumption that Molina held an intermediate concept of communality is vindicated.

⁴⁰ This does not mean that exchange is to be considered as a zero-sum game. It just means that the monetarized utility surplus of an exchange transaction has to be included into considerations of equity. On just price in Molina and early modern scholasticism see Alonso-Lasheras, *Luis de Molina*, 148–68; José Blázquez Vilés, “El precio justo y la usura en la obra de Luis de Molina,” in *Diez economistas españoles: Siglos XVI–XVI*, ed. Jesús de la García (El Escorial: 1991), 183–93; Chafuen, *Faith and Liberty*, Chapter 7; Francisco Gómez Camacho, “La estimación común en la teoría molinista del justo precio,” *Revista Española de Teología* 38 (1978): 85–111; Jan Hallebeek, *The Concept of Unjust Enrichment in Late Scholasticism* (Nijmegen: 1996).

⁴¹ Molina discusses the just price in *I&I*, tract. 2, disp. 347–58.

assuming that the size of the interval depends on various market conditions and on the value of the good.⁴²

It should be noted that Molina speaks of the *morally* legitimate price range here, which was considerably narrower than the natural price range allowed by civil law. Medieval lawyers had already tried to take the bite out of the idea of just pricing by postulating that “a good is worth what it can be sold for” (*tantum valet res, quantum vendi potest*).⁴³ According to Molina, the eminent theologian Jean Gerson had erroneously accepted this position as a moral standard in the early 15th century. The lawyers’ view implied a wider range of just prices with limits at plus/minus half of the middle price [$1.5x$, x , $0.5x$]. For Molina and most theologians, this larger range was only a criterion for legal action but not a yardstick of economic justice.

The interval approach to the just price takes account of market price volatility and is a sign that market prices counted as indicator of just prices in the scholastic tradition. On the other hand, scholastic value theory assumed that justified profit arises from cost, labor, skill, and risk-taking. It might seem, therefore, that the just price of a good derives exclusively from such input factors of production. The apparent incoherence of these two perspectives on just pricing can only be resolved if we recognize that the input perspective did not translate directly into practical moral judgment. Nobody knew how to assess the value of different factors of production independently of the overt valuation of the produced good—among other things because the scholastics did not subscribe to any simple labor theory of value.⁴⁴ Different kinds of labor had different value and things could not be assessed on the basis of their value in the order of nature. In the order of nature, for example, a mouse (as a living thing) ranked higher than a lump of gold.⁴⁵ Not so in the economic order. Late scholastics (including Molina) also knew that economic value depended as much on estimation as on use value.⁴⁶ It thus proved virtually impossible to derive a reliable indicator of economic value without resorting either to market prices or to the opinion of competent market observers.

⁴² Molina, *I&I*, tract. 2, disp. 347, n. 4.

⁴³ See Molina, *I&I*, tract. 2, disp. 350.

⁴⁴ See Franz Keller, *Unternehmung und Mehrwert* (Köln: 1912) for detail, and also Langholm, *Economics*, 221.

⁴⁵ Molina, *I&I*, tract. 2, disp. 348, n. 2.

⁴⁶ Molina, *I&I*, tract. 2, disp. 348, n. 3.

The last part of this assertion is a warning not to overestimate the role of the market price in late scholastic thought. The just price in the scholastic tradition was *not* the current market price come what may. We have already seen that governmental price regulation led to a specific sort of just price. Moreover, market imperfections, immoral behavior of economic agents, or exogenous disruptions (war, famine, etc.) could drive the market price out of the just price interval. This could be judged on the basis of the normal amplitude of price fluctuations ("customary prices"), which thus became no less important for just pricing than the current market price. Sometimes the common estimation of honest and competent judges of price levels (experts in some branch) could also supersede the current price signal, especially if a market was subject to regulation or collusion. We should, therefore, neither deny that current market prices were important for the scholastics in calibrating just prices nor overestimate the role they played in moral price assessment.

Molina's general attitude in these respects was not unconventional, but some details of his views document a more than common market orientation. For example, he ranked decent merchant opinion in matters of just pricing higher than the opinion of moral theologians and he restricted the legitimacy of government price regulation.⁴⁷ Molina considered a governmental *pretium legitimum* only as just without further qualification if it did not violate the bounds of the pre-regulatory just price interval. In other words, the normal range of price volatility delimited the extent of legitimate (and prudent) price regulation. This compromise mirrors a good understanding of the problematic economic effects of regulation together with the insight that regulation might sometimes be necessary (e.g. in times of famine).

The number of genuinely economic arguments increases notably in early modern scholastic treatises. Hence, they contain a budding economic science, which nevertheless remains embedded in the older moral economics of the scholastics. The most conspicuous sign of this development are lists of causes of prices differences for a good. These lists are discussed under the heading of *just* price and they thus retain a moral connotation. Nevertheless, the assumed causes are purely economic and do not depend on moral reasoning.⁴⁸ Molina identifies the relative

⁴⁷ Molina, *I&I*, tract. 2, disp. 347, n. 6.

⁴⁸ The main causes, like scarcity or abundance of buyers, were already mentioned in medieval tracts, what is new is the level of systematic interest in the economic causes of price differences for a good.

scarcity or abundance of goods, of money, and of buyers or sellers as causes for price changes or price differences. The differences may occur in geographically distinct markets, in one market at different times, or even at the same time in one market with respect to different persons. Other causes of price differences are urgent exogenous need (e.g. for horses in war), conditions of sale (e.g. sale of perishable goods; wholesale or retail sale), or the lifecycle of goods (higher prices for newly invented or introduced goods).⁴⁹ It is remarkable how systematically the causes for price changes were scrutinized in early modern scholastic treatises. Molina did in no way stand out in this respect, being less explicit than, for example, Luis Lopez (c.1520–96). Lopez already analyzed in some detail how different kinds of risk affect prices.⁵⁰ In any case, it becomes clear from the discussions of Molina and others that they strove for a comprehensive understanding of the nonmoral causes of price changes—a task which is nowadays regarded as characteristically economic.⁵¹

IV. MONEY AND EXCHANGE

Molina discusses money and its economic functions under the heading of monetary exchange (*cambium*).⁵² Exchange transactions were essential for premodern economies because they did not only cover immediate over the counter exchange (*cambium minutum*) but also money transfers between different locations and times. The relative shortage of precious

⁴⁹ Molina, *I&I*, tract. 2, disp. 348, n. 4–9.

⁵⁰ Luis Lopez, *Tractatus de contractibus et negotiationibus* (Lyon: 1593), lib. II, 74. Lopez discussed the effects of common “marketplace” risks and particular agent-specific risks on prices.

⁵¹ Please note that the word “economic” need not be understood in the sense of “positive economics” here. Economics begins to exist as soon as considerations of economic causes and effects are pursued and distinguished from moral considerations—even if both are regarded as economically relevant. It should also be noted that some causes of price differences were already discussed in the Middle Ages (see, e.g. Langholm, *Economics*, 502). Early modern approaches advance nevertheless an important step by being more systematic and extensive.

⁵² Molina, *I&I*, tract. 2, disp. 396–410. For discussion of his monetary views see Alonso-Lasheras, *Luis de Molina*, 169–84; Francisco Gómez Camacho, “Introduccion,” in Luis de Molina, *Tratado sobre los cambios*, ed. Francisco Gómez Camacho (Madrid: 1990), xi–lxxxvii; Weber, *Wirtschaftsethik*, kap. 6 and more general Chafuen, *Faith and Liberty*, Chapter 5; Del Vigo, *Cambistas*; Marjorie Grice-Hutchinson, “Martín de Azpilcueta ‘Comentario resolutorio de Cambios,’” in Martín de Azpilcueta *‘Comentario resolutorio de Cambios’ und Luis Ortiz ‘Memorial del Contador Luis Ortiz a Felipe II’*, ed. Grice-Hutchinson, Ernst Lluich, and Bertram Schefold (Düsseldorf: 1998), 49–72; Bertram Schefold, “Spanisches Wirtschaftsdenken zu Beginn der Neuzeit,” *ibid.*, 5–36.

metals in medieval Europe added to the importance of such transactions by encouraging noncash payment. Without the aid of various forms of bills of acceptance (*cambium per litteras*) medieval economies could not have flourished and the profitable long-distance trade which led to the age of discoveries would have faltered. Most scholastic theologians regarded money exchange therefore as indispensable and often as worthy of support, although it gave rise to serious moral hazards. The hazards nourished contempt for merchants, but the significance of this attitude should not be overrated. Most contempt fell on petty (retail) traders, whereas long-distance merchants who took risks to provision their homeland with much-needed goods were often enough praised. Molina is not original in this respect, but it is amazing how much he emphasized a global—we might say “globalized”—perspective on trade.

Truly global economic exchange had begun with the Spanish arrival in the Philippines. For the first time in human history a sustained circulation of money, bills, and goods enclosed the whole globe. American silver traveled westward to China and eastward to Europe in order to pay for goods which went the opposite direction. Scholastic observers were keenly aware of this development. The Dominican Chrysostomus Javellus remarked in the first half of the 16th century that the world had become one unified market and he regarded the long-distance traders as its heroes.⁵³ Giovanni Botero foreshadowed some modern concerns by remarking that Mexican merchants preferred to buy cheap Chinese products through the Philippines rather than buying the more expensive products of Spain.⁵⁴ Molina thus encountered an established global perspective on trade when he lectured on “De iustitia et iure.” Not only in this respect were he and his peers able to reap the fruits of the enormously innovative scholastics of the early 16th century. If we take this into account and assess Molina relative to his scholastic academic generation, we see that he hardly adds anything new in matters of money and exchange.

A common assumption of the scholastics not only of Molina’s generation was the rejection of time as determinant of value differences. Throughout

⁵³ Chrysostomus Javellus Canapicius, *Opera Omnia* (Lyon: 1580), tom 2, 760: “Utilis vero est, & laudabilis: quoniam mercator est sicut universalis provisor, per quem habentur opportuna vitae humanae, quae plerumque in propria regione non generantur. Unde mercatores conducentes terra, & mari a quattuor mundi partibus necessaria vitae faciunt mundum inferiorem quasi forum unum. Propterea veri mercatores digni sunt gratiis et favoribus, sicut etiam veri milites custodientes et defensantes patriam.”

⁵⁴ Giovanni Botero, *The Reason of State and The Greatness of Cities* (New Haven: 1956), 268.

the 16th century, exchange transactions which bore interest only because of a distance in time remained prohibited, like in the Middle Ages, as a mere camouflage for usurious loans.⁵⁵ However, Molina and others favored the liberalization of financial exchanges between different places (*de loco ad locum*). Such exchanges were indispensable for global trade, whose further growth hinged on a deregulation of financial exchange.⁵⁶ It should be noted that deregulation could be recommended because and not despite of the scholastic framework of economic thought. From a scholastic moral point of view the negative effects of deregulation pertained mainly to the personal morality of money-changers or bankers, whereas negative aggregate economic effects, which stand in the foreground today, were still beyond the horizon of scholastic economic thought.⁵⁷

Deregulating exchange between places meant that receiving on the spot cash payments could *ceteris paribus* (and Molina uses *ceteris paribus* clauses in almost the modern sense) cost more than entitlements to receive the same amount of cash in a distant place. At first sight, the opposite cost relation seems to be more plausible because a distance has to be bridged, but early modern scholastics became increasingly aware of the phenomenon of liquidity preference. Liquidity preference means that a higher price will be asked for cash relative to a mere right to receive cash—an attitude that was accepted by Molina and many of his contemporaries.⁵⁸ Pure time preference, however, the preference for a payment now rather than then, was not regarded as legitimate basis of price differences *ceteris paribus*, that is, if all other effects like liquidity preference were subtracted.⁵⁹ Of course, in practice all place-to-place transactions involved a time difference as well. If we add that discrepancies in risk, market volume, or expected peculiarities of supply and demand also legitimized different prices in different places, a ban on interest for

⁵⁵ See the particularly clear statement in Del Vigo, *Cambistas*, 290.

⁵⁶ For Molina's global perspective on trade see *I&I*, tract. 2, disp. 408, and Gómez Camacho, "Introducción," xxvii.

⁵⁷ One might think that the scholastic explanation of price inflation contradicts this judgment but I could not find any assumed connection between exchange deregulation and general money supply in the scholastic sources.

⁵⁸ Molina, *I&I*, tract. 2, disp. 403–04. José Larraz, *La época del mercantilismo in Castilla, 1500–1700* (Madrid: 1963), 84 claims that the idea of liquidity preference can already be found in Prierio and Cajetan. I would agree that it had a long and gradual period of gestation which was completed when Molina wrote.

⁵⁹ Weber, *Wirtschaftsethik*, 165 claims that Molina accepted pure time preference in *I&I*, tract. 2, disp. 385, n. 17, ad. 5, but I cannot find any clear distinction between time and liquidity preference there.

financial transactions between regional markets was hardly feasible any more. Nevertheless, in theory at least, time did not justify interest on money transfers.

The biggest step forward in scholastic monetary theory was probably the insight that money was a tradable good like others and not merely a measure and store of value or wealth as in Aristotle's economic thought. In this respect, the role of money-changing in medieval capitalism paved the way for the insight that money is, among other things, a commodity. Medieval scholastics, of course, had been aware of this fact, although they did not always express it clearly.⁶⁰ In any case, their early modern successors addressed and analyzed money explicitly as *merx*, that is, as commodity or merchandize.⁶¹ This went hand in hand with a fast-growing recognition of the "fruit bearing" nature of money as a factor of production. The classical sterility assumption concerning money, the basis of early stages of scholastic usury theory, had already begun to crumble in the Middle Ages. Pierre Olivi and many important authors after him recognized that money would turn into seminal "capital" if invested in business.⁶² In the 16th century, this insight was commonly accepted.

Molina inherited these developments and also a fairly developed view of the value of money. Like other scholastics of his time, he distinguished between the nominal value of coins, their metal value, and their purchasing power. Nominal values and exchange rates could be fixed by the government of a realm. Governments could also regulate the prices of precious metals but they could not, as early modern scholastics knew, effectively control purchasing power. The insights that purchasing power depends on the price of money relative to other goods and that money was a kind of commodity enabled the scholastics to apply known causes of commodity price change to money. A rough idea of the law of supply

⁶⁰ See Langholm, *Economics*, 192, 270 for an indication that money had already been regarded as a commodity in the Middle Ages.

⁶¹ See the explicit reference to money as *merx* in Francisco Garcia, *Tratado utilísimo y muy general de todos los contratos* (1583; Pamplona: 2003), 387, and Lopez, *Tractatus*, lib. 2, cap. 2.

⁶² See Odd Langholm, *Wealth and Money in the Aristotelian Tradition* (Oslo: 1979), 153; Amleto Spicciati et al., *Pietro di Giovanni Olivi. La scienza economica del XIII secolo* (Milan: 1990). The sterility assumption states that money is not productive like an apple tree that produces fruits without human intervention. In mainstream scholastic eyes, money becomes productive only as a tool in combination with labor, ingenuity, and prudent risk-bearing. Any created surplus value is attributed to these latter input factors, and claims to a share of created surplus can therefore not be grounded on the mere provision of money.

and demand did already exist in the Middle Ages. Less supply or more demand ("a greater plenty of buyers") meant higher prices. The famous discovery of the quantity theory of money by Spanish scholastics is a byproduct of this earlier knowledge. The quantity theory postulates a correspondence between the price levels and the volume of money in circulation. Increasing the amount of money in circulation will *ceteris paribus* lead to inflation. This is what happened in early modern Europe when American gold and silver flooded the money markets and price levels rose accordingly. Martín de Azpilcueta, Tomás de Mercado (1530–76), and Jean Bodin (ca.1530–96) were among the first to address this effect in the middle of the 16th century.⁶³ Modern commentators often think that only the effects of American gold and silver made these authors aware of the quantity relationship, but quantity theory, as understood in the 16th century, amounts mainly to the application of already known effects of supply and demand under the assumption that money is a tradable good like others. Hence, the influx of American metal was a conspicuous occasion to apply the quantity theory but not the cause of its invention. In fact, the theory was often discussed without reference to American metal. Molina, for example, spoke about the varied money supply at different regional fairs. The early quantity theory of money was thus linked to more general attempts to understand the causes of price fluctuations for money and other commodities (see also section 3).

V. USURY

No scholastic economic doctrine has attracted more blame than the ban on usury. Usury is a technical term of medieval law and theology denoting interest in virtue of a loan contract.⁶⁴ Receiving more in return from a loan than the borrowed sum (plus a decent transaction fee for labor and cost) was regarded as interest-taking and thus as usurious. Classical economists like Bentham or Adam Smith, on the other hand, saw the usury prohibition as a deadly sin against the efficiency of financial markets. In their eyes (and those of their modern followers) the ban on interest did

⁶³ See Del Vigo, *Cambistas*, 22; Gómez Camacho, *Economía*, cap. 6; Larraz, *Epoca del mercantilismo*, cap. 3; Oreste Popescu, *Studies in the History of Latin American Economic Thought* (London: 1997), cap. 2.

⁶⁴ For medieval usury theory see Bartolomé Clavero, *Usura: Del uso económico de la religión en la historia* (Madrid: 1984); Langholm, *Economics*; John Noonan, *The Scholastic Analysis of Usury* (Cambridge, Mass.: 1957).

not only violate individual economic rights but amounted to a stop-gap for the economic development of medieval societies. Moreover, the doctrine of the sterility of money, the most famous nonreligious reason for banning interest, appeared outright foolish to classical economists.

A more sober assessment should take into account that the sterility doctrine was more and more displaced by justice-based arguments against usury in the later Middle Ages, and that it remains unclear whether the usury prohibition had a positive or negative influence on medieval economic growth. We know today that the medieval economy was much more dynamic than formerly believed. Restrictions on safe loans probably helped to direct funds into shareholding which supplied medieval merchants with much-needed risk capital. It is possible that the risk-prone and expansive character of medieval European capitalism, which finally led to the age of discoveries, global trade, and modern capitalism, depended on such regulations. Of course, this is mere speculation since economic historians lack the data to identify the overall effects of medieval usury restrictions but the counter-assertion that the ban on usury was on balance harmful is equally speculative.

Molina defined usury as "gain from a loan, that is, a surplus beyond what is given as loan intended or accepted because of the loan."⁶⁵ This formula contains several traditional elements. Usury was profit from a loan (*mutuum*) (i.e. from a specific kind of contract), and profits from other kinds of contract like buying/selling (*emptio/venditio*) or gift (*donum*) were not regarded as usury. Of course, distinguishing loans and other types of contracts (especially contracts of sale) was not always easy. Then as now economic agents were clever in designing complex contracts that looked innocent but were not. For this reason a rich casuistry of usury evasion evolved, often with an emphasis on the intention of the lender. If gain from a loan was intended, under whichever cover, the transaction was considered usurious (*usura mentalis*). Molina's definition of usury mirrors the importance of this intentional aspect, which suggests that an appeal to the conscience of a lender might often have been the only remaining strategy against well-concealed usury.

⁶⁵ Molina, *I&I*, tract. 2, disp. 303, n. 5: "lucrum ex mutuo, hoc est, incrementum, quod vi mutui intenditur, aut accipitur, supra id quod mutui est datum." For Molina on usury see Alonso-Lasheras, *Luis de Molina*, 126–47; Blázquez Vilés, "Precio justo y usura"; Chafuen, *Faith and Liberty*, Chapter 11; Gómez Camacho, *Economía*, cap. 5; Weber, *Wirtschaftsethik*, Kap. 4; Noonan, *Usury*, 261.

In general, Molina presented himself as a thoroughly up-to-date theorist of usury. He consistently adopted the most modern Catholic stances on problems of usury, but—with one exception—he did not introduce important new positions or arguments. The exception is usually thought to be the acceptance of “risk to capital” as a title to interest, but I will show that Molina does not go beyond his peers in this respect.⁶⁶ His most momentous step occurs when he, to my knowledge as first Catholic moral theologian, explicitly rejects the doctrine of the sterility of money as a naturalistic basis of a moral economy. Molina openly denied that interest on loans could be illegitimate simply because it was “unnatural” (i.e. incompatible with the nature of money).⁶⁷ He rather relied on arguments from justice in exchange, claiming that the usurer demanded more in return than he had given. Molina’s preoccupation with equity in exchange was so conspicuous that Juan de Salas (1553–1612), a Molinist who wrote a treatise on “De contractibus” himself, praised him as figurehead of this approach.⁶⁸ Indeed, whereas Molina explicitly (and Valencia silently) abandoned the argument from sterility, it is still present, although not on center stage, in the treatises of Pedro de Aragon, Domingo Bañez, and Miguel Salón.

While usury remained in principle prohibited in Catholic economic thought, a growing number of “titles to interest” specified exceptions for the legitimate taking of interest on loans. Two of the most famous exceptions had already been discussed in the Middle Ages. The first one, “arising damage” (*damnum emergens*), assumed that damage to a lender from a delayed or failed repayment of a loan had to be compensated by the debtor. However, if delayed payment forestalled some profitable business of the lender, the interest title was called “loss of gain” (*lucrum cessans*).⁶⁹ At first, “loss of gain” applied only after problems with the repayment of a loan had occurred. In the first half of the 15th century, however, it became acceptable to ask for interest right from the beginning of a loan under certain conditions. This was not yet a general license to take interest because severe restrictions were attached to *lucrum cessans*. At the

⁶⁶ For the assumption of a significant role of Molina in the development of the title “risk to capital” see Weber, *Wirtschaftsethik*, 150.

⁶⁷ Molina, *I&I*, tract. 2, disp. 304, n. 3.

⁶⁸ Juan de Salas, *Commentarii in secundam secundae D. Thomae* (Lyon: 1617), tract. 2, dub. 3, n. 4.

⁶⁹ Noonan, *Usury*, Chapter 12 is still the authoritative general treatment for *lucrum cessans* after 1450. However, Noonan’s conclusions suffer a bit from his decision to look only at Jesuit authors for the second half of the 16th and the 17th century. As a partial remedy, I will compare Molina to Dominican and Augustinian contemporaries.

end of the 15th century, Konrad Summenhart assembled a famous list of restrictions which was much criticized but served as a blueprint for modified lists of restrictions thereafter. Most early modern Catholic scholastics accepted *lucrum cessans* from the beginning of a loan on the basis of some such list.⁷⁰ The Dominican Domingo de Soto, who tried to block the application of “loss of gain” more strictly, was the most notable dissident from this approach, but his position was not even defended by the next generation of Dominicans.

Molina thus follows the mainstream of his generation with his defense of *lucrum cessans*. He accepts the standard restrictions and if he appears less restrictive than others then this is only because of the scant interest he shows in reminding his readers to take the constraint list seriously. Aragon, Bañez, and Salon all emphasize the need for restrictions quite strongly.⁷¹ Molina’s fellow Jesuits, on the other hand, show a similarly cavalier attitude to the lists of constraints. Gregorio de Valencia does not discuss them, but only with Leonard Lessius (1554–1623) it becomes clear that the restrictions are consciously neglected because his examples show that he uses *lucrum cessans* as justification for the actual money-lending practices in Antwerp.⁷²

Molina’s contribution is usually thought to be more incisive with respect to “risk to capital” (*periculum sortis*) as a title to interest.⁷³ Risk-based justifications for interest on loans were not entirely new but their importance increased so much in the 16th century that they, or at least the dispute about them, became characteristic for early modern scholastic usury doctrine. More precisely, risk-based justifications became indicators of the huge rifts in 17th-century Catholic moral theology between

⁷⁰ Daniele Concina, *Theologia Christiana dogmatico-moralis* (Rome: 1764), lib. 9, diss. 4, cap. 6, 338, provides Summenhart’s list and says that four conditions were accepted by most later authors on the subject: (1) The profit has to be lost because of the loan; (2) Interest should not exceed the profit; (3) The foregone profit must come from business and be safely predictable; (4) The lender has to be informed about the application of *lucrum cessans* before the loan contract is made.

⁷¹ Domingo Bañez, *Decisiones de iure et iustitia* (Venice: 1595), q. 78, a. 2, 387; Pedro de Aragon, *In Secundam secundae D. Thomae Doct. Angelici commentaria, de iustitia et iure* (Venice: 1595), q. 78, a. 2, 687; Miguel Salon, *Controversiae de iustitia et iure* (Valencia: 1598), q. 58, a. 1, cont. 1, n. 3.

⁷² See Valencia, *Commentarii*, disp. 5, q. 25, p. 1329. Leonard Lessius, *De iustitia et iure ceterisque virtutibus cardinalibus libri quatuor* (Venetiis: 1617), cap. 20, dub. 14 emphasized “lack of money” as a title to interest in its own right (see Toon Van Houdt, “‘Lack of Money’. A Reappraisal of Lessius’ Contribution to the Scholastic Analysis of Money-Lending and Interest-Taking,” *European Journal of the History of Economic Thought* 5 [1998]: 1–35).

⁷³ See Alonso-Lasheras, *Luis de Molina*, 146; Noonan, *Usury*, Chapter 14.

Dominicans and Jesuits, and between moral conservatives and “lax” counselors of conscience.⁷⁴ Of course, arguments from risk had always evoked heated debate in matters of usury, as the contentious interpretation of the medieval papal decree *naviganti* shows. *Naviganti* deals with a combination of contracts that could be used to bypass usury restrictions. It is assumed that a lender gives a loan to a sea-going merchant if and only if the merchant insures the loan with the lender. The question is whether the insurance premium is a stand-in for interest on a loan and thus usurious. Many lawyers argued that insurance (*assecuratio*) was a legitimate type of contract and that this kind of business was therefore morally innocent. The theologians were less sanguine, although they also tended to safeguard the instrument of insurance which was indispensable for long-distance trade. Hence, the strict interdict that seemed to result from *naviganti* was interpreted away, above all in the 16th century. The papal ban was assumed to pertain only to cases where a lender “forced” the debtor to accept his insurance offer by threatening not to lend, thus violating the debtor’s right to choose the best insurer on the market. On the other hand, the transaction was regarded as irreproachable if the debtor stated that he had freely chosen the lender as insurer.

At roughly the same time, Juan de Medina opened a second line of approach to “risk to capital.”⁷⁵ Medina asked whether it was legitimate to demand a higher price because of the risks involved in a sale on credit. He straightforwardly answered in the affirmative, for which he was strongly criticized by Domingo de Soto (and less strongly by Azpilcueta). Despite the weight of these authorities the next generation of scholastics opted for a compromise which was very close to Medina’s solution. They distinguished unspecific and specific risks of loans and allowed only specific risks as title to interest (i.e. risks that arose from the concrete circumstances of a sale and in particular from the character of the customer).⁷⁶ A general risk of nonrepayment was therefore not accepted as title to

⁷⁴ This can be gauged by the space and venom which the archconservative Dominican Daniele Concina reserved for attacks on “risk to capital” (*periculum sortis*) as title to interest in loans. “Risk to capital” was one of the main targets of the attempted 18th-century rollback of (allegedly) overly tolerant innovations in Catholic usury doctrine.

⁷⁵ Medina, *De poenitentia*, q. 37, 230.

⁷⁶ See Salón, *Controversiae*, q. 58, a. 2, contr. 20, n. 4, with reference to Juan de la Peña. Medina accepts a general risk of nonrepayment as title to interest, but insists that the interest rate has to be adapted to the conditions of the buyer, i.e. to his risk-characteristics, in order to be just (q. 37, 235). This makes Medina’s solution practically indistinguishable from De la Peña’s.

interest, while a specific risk that resulted from the poverty, bad reputation, or risk-proneness of a debtor was.

Molina's two-pronged handling of *periculum sortis* in disp. 318 and disp. 356 appears to be path-breaking only in comparison with Soto and Azpilcueta. Disp. 318 proceeds rather inconspicuously, although Molina uses the title of "loss of gain" as leverage for a license to take interest for risk-bearing. An apparently consequential move follows in disp. 356, where Juan de Medina's theses are defended as sound. This plea shrinks in importance, however, if Molina is compared to his own generation of scholastics, which had already departed from Soto's and Azpilcueta's views with respect to *periculum sortis*.⁷⁷

Another contentious issue of early modern usury doctrine was the "triple contract" (*contractus trinus*).⁷⁸ The triple contract was a combination of three different purchase and sales contracts (a "derivative" in modern terminology) which guaranteed a fixed interest in return for (1) the sale and (2) future repurchase of money together with (3) the sale of uncertain profits. Some theologians regarded the triple contract as no more than a veiled loan and therefore as usurious. Others agreed with the prevailing opinion among lawyers that the contract was formally one of purchase/sale and thus could not be usurious because usury pertained only to loans. This typical dispute, however, does not fully explain why the triple contract aroused so much controversy over the next centuries. In the beginning, the dispute was fuelled by the money of the immensely rich and powerful Fuggers who paid experts (among others a pope) to defend the triple contract which was one of their favorite financial instruments.⁷⁹ The interest on a triple contract was usually quite small, around 5 percent, and resembled the level of interest that Calvinists tolerated. Calvinist usury doctrine, as championed by Jean Calvin (1509–64) and Charles du Moulin (1500–66) in the first half of the 16th century, had broken with the assumption that interest on loans was prohibited.⁸⁰ Moderate interest rates for business loans and for loans to wealthy people were approved—and thus the moderate interest rates of the important money market of the Netherlands were vindicated. The triple contract seemed to license

⁷⁷ See Salon, *Controversiae*, q. 58, a. 2, contr. 20 and Valencia, *Commentarii*, disp. 5, q. 20, punctum 2, § 6. Bañez and Aragon do not discuss the problems of *periculum sortis*.

⁷⁸ On the triple contract see Del Vigo, *Economía*, 493; Löber, *Gesellschaftsrecht*, 39; Noonan, *Usury*, Chapter 10.

⁷⁹ See Del Vigo, *Economía*, 500; Noonan, *Usury*, 212.

⁸⁰ See Eric Kerridge, *Usury, Interest and the Reformation* (Aldershot: 2002); Jean-Louis Thireau, *Charles du Moulin* (Geneva: 1980).

similar conditions in Catholic Europe and precisely for this reason it may have been a thorn in the side of moral conservatives.

Molina followed the lead of John Major and others in accepting the triple contract as non-usurious. Conspicuously, however, he did not mention Calvin or Du Moulin in his disputations on usury. Both names were a red rag to Catholic usury theorists and are often mentioned disparagingly.⁸¹ Hence, we have a case of a dog that didn't bark. Did Molina refrain from any remark about Calvin and Du Moulin because he secretly favored their approach to usury? Nothing in his teachings justifies such a weighty argument *ex silentio*. Molina did not stand out with his acceptance of the triple contract because he gave his lectures on II-II before 1586 when Pope Sixtus V condemned the triple contract as usurious. Daniele Concina (1687–1756), a rigorist Dominican and a good source for attacks on alleged aberrations in early modern Catholic economic morality, targets only theologians who dared to defend the triple contract thereafter.⁸² Nevertheless, Molina's silence remains puzzling. Not all novelties in scholastic usury doctrine remained as controversial as the previous. In the second half of the 15th century credit funds for the poor, the so-called *montes pietatis*, had become a great success in Italy and subsequently throughout Europe. In modern terminology the *montes pietatis* provided microcredits to the poor, and one of their initial shortcomings had been interest-free loans. After some instructive crashes it became clear that *montes pietatis* would only work with a small but positive interest on loans. Immediately, the question arose whether *montes pietatis* were not therefore usurious despite their charitable aims. As usual, hardliners and moderates among Catholic moral theologians took opposite positions. The question was answered authoritatively by Pope Leo X in 1515, who declared the operating mode of *montes pietatis* to be legitimate in principle.⁸³ Molina followed this lead like most other scholastics and the legitimacy of funds for microcredits to the poor at moderate interest became more or less uncontroversial.⁸⁴

⁸¹ See, e.g. Azpilcueta before Molina and Lessius after him.

⁸² See Concina, *Theologia Christiana*, lib. 9, diss. 4, cap. 9. Concina is mentioned by Noonan, *Usury*, 225 and as a rigorist, but Noonan prefers to discuss the opinions of Pietro Ballerini, another rigorist.

⁸³ See Del Vigo, *Economía*, 477; Carol Menning, *Charity and State in Late Renaissance Italy: The Monte di Pietà of Florence* (Ithaca: 1993).

⁸⁴ Molina, *I&I*, tract. 2, disp. 325. It is interesting to note that the papal decree did not silence all scholastic opposition. As often in premodern Catholicism, Rome's vote had closed the case but not its interpretation.

VI. LIBERALISM

The claim that Molina's ideas or those of any great Catholic scholastic prefigured political or economic liberalism is of necessity controversial.⁸⁵ Antimodernist Catholic hardliners will balk at such a suggestion and some of them denounce, for example, the renowned economic historian Raymond de Roover as "Neo-Jacobin"—as if the French Revolution had occurred only yesterday.⁸⁶ Radical libertarians like Murray Rothbard, on the other hand, try to adopt the Salamancans as their grandparents. In Rothbard's eyes Molina is a "solid economic liberal."⁸⁷ Steering a prudent middle course between these extremes is not easy. It should be clear from the outset that medieval or early modern Catholic moral theologians cannot possibly have been liberals in the modern sense. Their world of ideas was simply too different from ours to allow for complete assimilation. Moreover, the framework of Catholic theology does neither support the radical individualism nor the (allegedly) value-free concept of economic man which are so often regarded as trademarks of modern liberalism. Of course, we may take into account that modern liberalism as such does not exist. There are various strands of liberalism, and the Anglo-American variety differs significantly from the traditional varieties on the European continent. German "ordo-liberalism" owes much to Christian, and often Catholic, social thought. Yet even the parallels between *this* form of liberalism and scholastic economic thought remain limited, an indication that we should at best speak of liberal aspects in late scholasticism and not of liberalism *avant la lettre*.

With these warnings in place, it may be safely asserted that liberal aspects did exist in scholastic moral thought and that their number and importance grew throughout early modernity. That is not to say that they spread evenly in Catholic moral theology. Huge rifts and doctrinal differences opened up in Catholic moral theology at the end of the 16th century. For at least 100 years Catholic moral theology became fractionalized and the more daring aspects of liberal economic thought were only held

⁸⁵ For discussions of Molina's "liberalism" see Alonso-Lasheras, *Luis de Molina*, 1–9; Chafuen, *Faith and Liberty*, Chapter 12; Peter Chojnowski, "'Corporation Christendom': The True School of Salamanca," *The Angelus* 37 (2005); Gómez Camacho, *Economía*, 283; Rothbard, *Economic Thought*, 113; Weber, *Wirtschaftsethik*. Alonso-Lasheras appropriately warns against an overly liberalistic reading of Molina and details the limitations a liberalist orientation must have in a Catholic moral theologian.

⁸⁶ Chojnowski, "Corporation Christendom."

⁸⁷ Rothbard, *Economic Thought*, 113.

by some (quite large) fractions of theologians. Molina's case is of special interest because he played a Janus-faced role in this process. He was one of the last early modern scholastics who grew up in the more or less⁸⁸ harmonious world of open Thomism, and he was one of the first combatants (some would say he started the war) in the in-house quarrels of baroque Catholicism. Both contexts are relevant for assessing the aspects of liberal thought in Molina. We will mainly discuss the context "before Molina" in this section and the context "after Molina" in the next.

From the perspective of scholastic economic thought before Molina, which was the guiding perspective of this chapter, we have seen that Molina held more liberal convictions than any of his contemporaries (Lessius was a member of the next academic generation). Ever since Summenhart, innovations had abounded in early modern scholastic economic thought and many of the innovations liberalized economic morality. The best-known indicator is the evolution of exceptions ("extrinsic titles") in usury doctrine, which saw an (almost) general acceptance of the titles "loss of gain" and "risk to capital," although with some restrictions, until the end of the 16th century. In monetary theory, the quantity theory of money came to be firmly expressed and the doctrine of the sterility of money did vane beyond any chance of recovery. Molina received these ideas as gifts from his predecessors, and he fully accepted them, thus going beyond contemporaries like Aragon, Bañez, Salon, and Valencia who were reluctant concerning at least some of the innovations.

Molina's originality shows up less in these doctrinal matters than in secondary assumptions, the tone of his argumentation, and the architecture of his treatise. It is a liberal aspect of Molina's thought that he preferred business people as judges of just price over moral theologians.⁸⁹ He argued often straight on the basis of economic causes and effects, fully recognizing the importance of *ceteris paribus* clauses for economics. Most importantly, however, he broke away from the order and spirit of Aquinas's *Secunda secundae* with the property rights approach of his *De iustitia et iure*. No other treatise "De iustitia et iure" was even remotely as

⁸⁸ The differences that are discussed in the following are obviously matters of degree, but nevertheless I regard them as instructive. Hard academic quarrels were, of course, already fought in Salamanca (see Juan Belda Plans, *La escuela de Salamanca* [Madrid: 2000]) but many of them did not yet result from conflicts between Catholic orders. The rise of the Jesuits and the resulting disruption of the power balance between Catholic orders changed much.

⁸⁹ Molina, *I&I*, tract. 2, disp. 407, n. 7.

revolutionary in this—very liberal—respect. Even Lessius, who was often more daring in doctrinal questions, reverted to a more conservative composition in his “De iustitia et iure” by giving virtue ethics its due with his extensive discussion of other virtues besides justice. It is therefore not inappropriate to address Molina as “apex and completion” of scholastic economic ethics “at the eve of liberalism” as the title of Wilhelm Weber’s magnificent book on Molina suggests.⁹⁰ Weber’s title captures Molina’s Janus-headed role as heir of medieval and much of early modern scholastic economic thought and instigator of liberal trends in Jesuit economics and 17th-century moral theology. Weber’s title may also be understood to mean that Molina was the last “sound” scholastic economic writer before the liberalists took over, but this is a matter of value judgment and shall not be discussed here. It has to be said, however, that Molina did clearly not speak the final word of early modern scholastic economic thought and that not all scholastics who wrote after him turned towards liberalism. This leads to the question of Molina’s impact on economic thought, and especially the thought of his scholastic successors.

VII. MOLINA’S IMPACT ON SCHOLASTIC ECONOMIC THOUGHT

Molina was the first Jesuit to write a massive treatise on justice and rights, which means that his work influenced all subsequent Jesuits who wrote on the subject. The impact of his “blockbuster” was, of course, not restricted to Jesuits but extended beyond this order. If we want to be more specific and ask whether there was a Molinist school in scholastic economic thought, however, things become more difficult. With Juan de Salas, who followed Molina closely in his contract-oriented commentary on Aquinas’s II–II, at least one economic Molinist can easily be identified. Some compilers of handbooks of casuistry like Antonio Diana (1585–1663) used much material from Molina, but they also quoted many other authors. Leonard Lessius and Juan de Lugo (1583–1660), the most famous early modern Jesuit economic thinkers after Molina, cannot be regarded as Molinists. Lessius was roughly 20 years younger than Molina and wrote his own treatise on justice and rights already under the influence of Molina. However, Lessius was in several doctrinal respects more daring

⁹⁰ Weber, *Wirtschaftsethik*.

and original than our author, and his impact on Jesuit economic thought was surely not smaller than Molina's. De Lugo, one of the main representatives of baroque scholasticism, learned from Molina and Lessius, but he was also an original author on economic morality and in no way a mere pupil of Molina. Thus given the difficulties of identifying even the general impact (mainly through Italian and Austrian authors) of Jesuit economic thought on classical and neoclassical economics, it seems not surprising that we can hardly single out Molina's specific contribution.

It has to be taken into account, however, that Molinism provided a seedbed for radical doctrines in moral theology, which had a great impact on 17th-century Catholic economic morality. Molina's doctrine of human liberty facilitated the rise of a liberty-centered school of Catholic moral theology, which was condemned by its Catholic and Protestant opponents alike as overly permissive ("laxism"). This school took a boost from moral probabilism, a new doctrine for the managing of consciences, invented by the Dominican Bartolomé de Medina (1528–80) in 1577.⁹¹ Probabilism concerns us here only in its more radical variants that were largely but by no means exclusively developed by Jesuits. A basis for radical probabilism, the famous principle "In doubt the position of the possessor is stronger," came from property law and was first used for judging consciences in the early 16th century. It allowed treating the moral opinions of a person as their possession. Therefore, a confessor who wanted to prohibit an opinion (e.g. as a premise of action) had to argue as forcefully as if he wanted to deprive a person of her possessions. This property right analogy protected a pluralism of moral perspectives against the practice of prescribing what a confessor regarded as the most probable opinion.⁹² Some probabilists even spoke of a liberty right (*ius libertatis*) of holding opinions in this respect.⁹³ Finding so many champions of inner freedom among the Jesuits is, of course, not haphazard. The great debate about freedom and grace

⁹¹ On probabilism see Thomas Deman, "Probabilisme," *Dictionnaire de théologie catholique* 3/1 (Paris: 1936), 417–619; Rudolf Schüssler, *Moral im Zweifel, Band 1: Die scholastische Theorie des Entscheidens unter moralischer Unsicherheit* (Paderborn: 2003). On pluralism and strife in 17th-century Catholic moral theology see Ignaz Döllinger and Franz Reusch, *Geschichte der Moralstreitigkeiten in der römisch-katholischen Kirche seit dem 16. Jahrhundert* (Nördlingen: 1889). Alonso-Lasheras, *Luis de Molina*, 38–42, recognizes the importance of probabilism but does not pursue the issue.

⁹² Please note that probabilism did not challenge the subordination of economic behavior to morality, but probabilists handled moral regulation according to rules of possession. This "dialectic" opens the backdoor of Catholic morality to liberalist ideas.

⁹³ See Decock, *Theologians and Contract Law*, 69–85; Schüssler, "Moral Self-Ownership." On Molina's more general impact on the modern understanding of liberty see Marcelino Ocaña García, *Molinismo y libertad* (Córdoba: 2000).

that Molina had fueled turned many Jesuits, and above all Molinists, into enthusiasts of inner freedom. Molina thus sparked a development that had, among other things, a huge impact on Catholic economic morality in the baroque era. Liberty-centered probabilism assigned the burden of proof for restraining economic activity clearly to those who argued for constraints. The freedom of contract was thus effectively bolstered. A similar effect resulted from interpreting the scholastic technical term “probable” (*probabilis*) in the widest possible sense. *Probabilis* meant roughly “well enough supported by evidence to be regarded as true by a reasonable observer.” In some radical variants of probabilism such an assertion warrant was granted if at least one notable expert supported a proposition, even against all other experts. Combine this position with the title of, for example, “loss of gain.” Surely every creditor will find one expert who attests that he would have gained by investing his money otherwise than in a loan. Probabilism in its more radical forms thus had a devastating impact on usury restrictions and on the moral control of economic behavior in general. Radical probabilists were therefore almost as much bashed as Calvinists by conservative Catholic economic thinkers like Daniele Concina in the 18th century.⁹⁴ Interestingly, Concina does not blame Molina for the excesses of mid-17th-century probabilists, recognizing that sparking a development does not amount to condoning its course.

The assessment of this question is complicated by the factionalism in 17th-century Catholic moral theology. Some moral theologians proclaimed property rights for moral opinions and others fought bitterly against them. From a historical point of view we need not take sides but may simply register the astonishing pluralism of opinions in Catholic baroque moral theology. Hence, we observe a proliferation of liberal aspects in some quarters of Catholic moral theology, pertaining not only to economic behavior but also to the rules for its regulation. Molina did neither invent nor propagate these rules, but his metaphysics of freedom and his property rights perspective created a seedbed for their employment.

VIII. CONCLUSION

It is time to recapitulate why Molina deserves an elevated place in the history of economic thought. The scholasticism of the 16th century was a seedbed for new and upgraded scholastic ideas on economic issues.

⁹⁴ See Concina, *Theologia Christiana*, lib. 9, diss. 4.

Relying on a renovated scholastic discourse that began, in my opinion, with Konrad Summenhart's masterly work on contracts, scholastic economic thought tackled issues like inflation, the causes of price differences, usury, property rights, and many others innovatively. Summed up, a major further step towards a science of economics was taken by 16th-century scholastics. Molina contributed significantly to this development. He was the first Jesuit to write a massive treatise "De iustitia et iure," one of the literary genres in which economic thought figured prominently. Molina thus became the first in a triad of Jesuit scholars (the others being Lessius and Lugo) who are often regarded as representatives of the Jesuit branch of early modern economic thought or even in general of scholastic economic thought after the heyday of Salamanca. However, Molina's larger influence on Catholic moral theology in the 17th century should not be neglected. His doctrine of freedom and grace had a profound impact on a liberty-centered school of moral theology which based the governance of consciences on liberties and rules of property law. This school propagated a quite liberal and, in the eyes of its opponents, all too generous economic morality. Its most radical tenets cannot yet be found in Molina but without his teachings, liberty could not have become a basic value of moral theology so pervasively. A lesser but also significant influence probably resulted from structural features of Molina's *De iustitia et iure*, in which disputations about *dominium* introduce the reader to the subjects of the tracts. In this context, *dominium* can be translated as "property right," and a comparison to other contemporary treatises on "De iustitia et iure" shows how peculiar Molina's strong focus on property rights was.

The general features of Molina's discussion of justice, liberty, and property rights easily create the impression of a proto-liberal thinker. Nevertheless, the question of scholastic proto-liberalism remains thorny. Depending on the observer's attitude pro or contra liberalism, liberal aspects or the checks and balances against their abuse can be emphasized in Molina's work. This is not the place to delve too deeply into this controversy beyond pointing out that Molina often took the most liberal stance of his scholastic generation and laid the foundations for a liberty-centered moral theology. Compared with such a general impact, his role as innovator of scholastic economic doctrines, in terms of monetary theory or interest titles, remained rather small. Molina does not advance significantly beyond his generation of scholastics in this respect. Most of the great advances had already been on the way since the first half of the 16th century. Thus Molina's greatness in economic matters is best judged from a bird's-eye view.

PART THREE

MOLINA'S MEDIEVAL SOURCES AND THE FOLLOWING DEBATES IN
MODERN TIMES

MOLINA AND AQUINAS

Romanus Cessario

Experientia docere solet quod ubi multae sunt
contradictiones, ibi maior speratur fructus.¹

INTRODUCTION

This chapter examines the relationship of the thought of Luis de Molina (1535–1600) to that of St. Thomas Aquinas (1225?–74). The examination begins by discussing the diverse formative influences that Molina and Aquinas each received in preparation for their work as teachers of Catholic truth. Molina joined the Jesuits at the age of 18 in 1553, whereas Aquinas entered the Dominicans at the age of 19 or 20 in 1244. The distinctive characters of the religious institutes in which each of these priest-scholars lived out his adult life explain a great deal about the posture that Molina adopted with respect to specific themes found in the works of Aquinas, especially the *Summa theologiae*. These include God's foreknowledge and providence, man's predestination and reprobation, and the *concursus* of divine grace and human freedom. In the *Summa theologiae*, Aquinas expresses himself succinctly: "Predestination most certainly and unfailingly takes effect, though without compulsion or the effect following of necessity."² The doctrine of predestination, in Christian circles, reemerged as a contentious issue at the Reformation, and it was subsequently debated, at times ferociously, within post-Reformation Catholic circles. Whatever one's opinion of Molina's proposals, it is difficult to deny that his novel approach to the cluster of issues surrounding predestination and free choice exhibits a certain venturesomeness.

¹ *Thesaurus Spiritualis Societatis Iesu* (Rome: 1948), 481: Selectae S. Patris Nostri Ignatii Sententiae, no. 16.

² *Summa theologiae* Ia q. 23, art. 6, ed. Blackfriars, vol. 5, 131.

I. HISTORICAL SETTINGS

All things considered, it should not surprise anyone that the 13th-century Dominicans produced an Aquinas, whereas the Jesuits founded in the 16th century produced a Molina. The two thinkers took up Catholic theology at different moments in its two millennia of history. Thomas Aquinas both inherited and synthesized large quantities of philosophical and theological materials that, by the time this Neapolitan scholar began his university teaching, the Christian tradition had confided to manuscripts.³ Molina, on the other hand, took up the work of teaching philosophy and theology shortly after the cataclysmic rupture in Western Christianity that historians call the 16th-century Reform, a period during which printed books spread throughout Europe. As Aquinas instructed a unified Christendom, Molina shored up a Catholic world sundered by theological and political divisions. If Aquinas inhabited landlocked medieval Paris, Molina labored mainly in seafaring, expeditionary Portugal. Just as Aquinas flourished during the period when Europe built her cities, Molina faced the moment when Catholic Europe set out to evangelize the world. Like Aquinas before him, Molina took up the task of every good Catholic teacher: to render authentic Catholic doctrine intelligible to a new generation of students. Given the established place within Catholic life that the works of Aquinas held by the mid-16th century, Molina's teaching responsibility required him to study them through the prism of a well-defined school of thought named, after Aquinas, to wit, Thomism.⁴

Luis de Molina was born in Old Castile, at Cuenca. His Thomistic philosophical and theological formation fell under the auspices of the Jesuits.⁵ After studies in his native Spain, where he entered the Society of Jesus in 1553, he studied and taught Aquinas at Jesuit schools in Portugal, both at Évora and at Coimbra.⁶ Molina grew up Thomist. One observer makes

³ For a brief overview of Aquinas's place in Western history, see my "Thomas Aquinas: A Doctor for the Ages," *First Things* (March 1999): 27–32. Reprinted in *The Second One Thousand Years: Ten People Who Defined the Millennium*, ed. Richard John Neuhaus (Grand Rapids, Mich.: 2001), 28–39.

⁴ For more information on some significant Thomists and the Thomism that they created, see my *A Short History of Thomism* (Washington, D.C.: 2005).

⁵ For a good examination of the origins of the Society of Jesus, see John W. O'Malley, SJ, *The First Jesuits* (Cambridge, Mass.: 1993).

⁶ The first complete edition of Aquinas's works was printed at Basle in 1485. It was soon followed by others, e.g. at Venice in 1505, 1509, 1588, 1594, and at Lyons in 1520, 1541, 1547, 1548. By the time the young Molina took up his studies in 1554, one or another of these printed editions of the works of Aquinas (with whatever textual defects and false

this point bluntly: "Molina spent his scholastic life as a student and an interpreter of St Thomas Aquinas."⁷ Another authority further specifies the work of Aquinas to which Molina gave his attention: "The work of Molina himself, both as a teacher and as a writer, was for the most part a commentary on the *Summa Theologica* of the Angelical Doctor."⁸ From 1570 to 1573, at Évora, where Cardinal Dom Henrique, the short-lived cardinal-king of Portugal (1578–80), had established a Jesuit University in 1559, Molina lectured and commented on the first 74 questions of the first part (*prima pars*) of Aquinas's *Summa theologiae*.⁹ These *Summa* questions, which treat of theology, the divine nature, the Blessed Trinity, and creation, provide background and context for the questions that Molina addresses in his principal *oeuvre*, the *Concordia*.¹⁰ Molina devises a mannered commentatorial method to introduce his materials: first, a short commentary on *Summa theologiae* 1a, q. 14, art. 8, "Is God's knowledge the cause of things?" Second, a long commentary, which makes up half the volume of the *Concordia*, on *Summa theologiae* 1a, q. 14, art. 13, "Does God know contingent future events?" The remainder of the *Concordia* is made up of commentary on selected articles from *Summa theologiae* 1a, qq. 19–25. Molina, a man of intellectual pugnacity and inquisitiveness, worked from within the 16th-century Thomist commentatorial tradition that carried the thought of St. Thomas Aquinas from its late medieval expositions into the modern period. He was not the first nor the only thinker to take up the texts of Aquinas as a starting point for developing theological answers to the questions raised by Reformers, both Catholic and

attributions later scholarship has shown to have marred these early printed editions) had made its way to the Jesuit residences at Évora and Coimbra in Portugal where Molina pursued his initial studies and, afterwards, took up the major portion of his professional teaching.

⁷ William R. O'Connor, "Molina and Bañez as Interpreters of St. Thomas Aquinas," *The New Scholasticism* 21 (1947): 243–59, at 243.

⁸ Anton C. Pegis, "Molina and Human Liberty," in *Jesuit Thinkers of the Renaissance: Essays Presented to John F. McCormick, S.J., by his Students on the Occasion of the Sixty-Fifth Anniversary of his Birth*, ed. Gerard Smith (Milwaukee: 1939), 75–131, at 76.

⁹ These lecture notes were later published, after the *Concordia*, as *Commentaria in primam divi Thomae partem* (Cuenca: 1592).

¹⁰ Texts used in this chapter come from the critical edition by Johann Rabeneck, SJ, *Liberi arbitrii cum gratiae donis, divina praescientia, providentia, praedestinatione et reprobatione concordia* (Oña: 1953). For a short explanation in English of the evolution of the *Concordia*, see Luis de Molina, *On Divine Foreknowledge* (Part Four of the *Concordia*), trans. Alfred J. Freddoso (Ithaca, N.Y.: 1988), ix–x.

Protestant. Catholic Europe, especially in Italy and the lands controlled by the Habsburg princes, was replete with Thomist commentators.¹¹

The details of Molina's biography disclose the ordinary career of a cleric professor.¹² In fact, the record of his active professional life proceeds with such predictability that one finds it difficult to explain on the basis of his biography alone why the intellectual tradition that bears his name, Molinism, claims such a significant place in the history of modern Western thought.¹³ The book that generated Molina's place in the history of theology was first published in Lisbon in 1588, *Concordia liberi arbitrii cum gratiae donis, divina praescientia, providentia, praedestinatione, et reprobatione, ad nonnullos primae partis D. Thomae articulos*. It is difficult to exaggerate the controversies that this book sparked even before its dissemination. In fact, Molina arguably would have completed his service to the Jesuits and to the church in relative anonymity, a little-known professor of theology and moral theology at provincial study houses on the Iberian Peninsula, except for his published class notes, the *Concordia*. Molina and his views, however, rapidly achieved international prominence. The controversies that ensued attained such magnitude that some 350 years later, in the early 20th century, one chronicler, E. Vansteenbergh in the *Dictionnaire de Théologie Catholique*, required 94 columns to cover the entry on Molinism, whereas he required only three to present the figure of Molina and his works.¹⁴

The 16th-century Reformers had made predestination a centerpiece of their theological project. From early on, Jesuits recognized that one of the most contentious challenges that beset them involved presenting authentic Catholic doctrine on salvation.¹⁵ Molina earned his fame in late 16th-

¹¹ For example, see Leonard A. Kennedy, CSB, *A Catalogue of Thomists, 1270–1900* (Houston, Tex.: 1987), esp. 65–129.

¹² For a short sketch in English of Molina's biography, see F.B. Costello, *The Political Philosophy of Luis de Molina, S.J. (1535–1600)* (Spokane: 1974), 3–22, and B. Hamilton, *Political Thought in Sixteenth-Century Spain: A Study of the Political Ideas of Vitoria, De Soto, Suárez, and Molina* (New York: 1963), 180–84.

¹³ Other essays in the present volume explore the varieties of his influence within and without the Catholic world, especially in the 16th and 17th centuries. Even today, students of Christian theology find something retrievable in the Molinist theorems, for example, Kirk R. MacGregor, *A Molinist–Anabaptist Systematic Approach* (Lanham, Md.: 2007).

¹⁴ See *Dictionnaire de Théologie Catholique* (Paris: 1929), vol. 10.2, cols. 2090–92 for “Molina” and *ibid.*, cols. 2094–187 for “Molinisme.” The last journal article cited by Vansteenbergh in the latter entry appeared in the 1928 *Revue Thomiste*, “Un dernier mot pour saint Thomas et les thomistes et contre le R. P. Jean Stuffer, S.J.”

¹⁵ See Gerard Smith, SJ, *Freedom in Molina* (Chicago: 1966), 219. The author expounds the standard view that envisages the Jesuits as the Catholic church's response to the Protestant Reform. For a revisionist view, see O'Malley, *Early Jesuits*.

century Spain and Portugal by catalyzing discussions about the nature of the cooperation between God and the human creature that controversies about predestination had provoked. By the time that Molina took up his philosophical and theological work, Aquinas had received official recognition as a normative Catholic thinker, a church-approved guide in matters of Catholic doctrine. This chapter inquires about Molina's use of Aquinas's *corpus* as it was available to Molina during the latter half of the 16th century. Since Molina's death in 1600 until the mid-20th century, not a few scholars have studied this question. Opinion remains divided.

II. RELIGIOUS FORMATION

Like the way of life that developed in the monasteries governed by the *Rule* of Saint Benedict, which antedate both Dominican priories and Jesuit residences, the formation and daily routines of these later religious institutes were designed to shape in a permanent way the characters of those men, mostly Catholic priests, who made up their memberships. Each of these Catholic institutions, of course, occupies different niches in the chronology of Europe, a continent that serves as the cradle for the Benedictine, Dominican, and Jesuit orders. Benedict of Nursia dies in about 547. His monasteries settled feudal Europe. Dominic Guzmán dies in 1221. His priories or convents grew up throughout urban Europe. Ignatius of Loyola dies in 1556. The Jesuit college with its resident Jesuit priests trained to teach the educated classes of modern Europe and beyond arose wherever the demand for the Catholic religion and/or higher education manifested itself. Wherever and whenever they labored, Benedictine monks, Dominican friars, and Jesuit priests became instruments of a cultural transformation that found its direction and energy in the life and teachings of the Catholic church.

To understand the specific transformational agencies of early Dominicans and early Jesuits, chronology matters. As Thomas Aquinas belongs to the 13th century, so does Luis de Molina to the 16th century. Their historical separation means that Aquinas and Molina each labored not only in different cultural contexts but also with a different set of pedagogical presuppositions. Thomas Aquinas practiced theology within the confines of a monastic-style pattern of life accommodated to serve the requirements of public preaching and teaching. That is, he followed a daily program of religious and other exercises within a community held together by the members' vows of poverty, chastity, and obedience. This form of regular life, or conventual observance, as it is known, flourished in the

Dominican priories at Paris, at Naples, or in the Papal States; in short, wherever Aquinas was assigned to work as a Dominican.

Some 300 years after the death of Aquinas, Molina developed his professional academic life within the context of a Jesuit college. He worked in what, for the Catholic church of the mid-16th century, emerged as an innovative institution, one developed initially to meet the needs of a class of European people influenced by the evolution of 15th-century humanism.¹⁶ Although Jesuit colleges spread quickly throughout Europe and the world, Molina, having bound himself to the Jesuit mission by vows of religion, in fact passed his adult life in residences on the Iberian Peninsula that housed Jesuit scholars and pedagogues.

When the theologian moves from the Dominican priory to the Jesuit residence, the change of venue can affect his approach to the discipline of theology.¹⁷ Although to the secular observer these two settings may seem like two versions of the same kind of clerical scholarly life, the inner dynamics of priory and residence in fact produce different rhythms of life and work. While the Jesuit theological workshop met the needs of a rapidly expanding early modern Europe, it achieved this objective at the cost of removing Christian theologians from a setting that they had occupied since the 4th century, namely, a concrete form of monastic or conventual life. The Jesuits self-consciously rejected the monastic mode of life in favor of a model that resembled the lifestyle of military officers. It is impossible to understand Molina's presuppositions about human freedom without taking his chosen life-setting into full account. The Jesuits, it is true, have done much to sustain the thought of Thomas Aquinas throughout the Society's more than 400-year history. It was they who encouraged the young Luis de Molina to read the pages of Aquinas. After all, St. Ignatius himself had left this instruction: "E la Teología leeráse el viejo y el nuevo Testamento y la doctrina escolástica de Santo Thomás."¹⁸

¹⁶ For a background to the new humanism, see Erika Rummel, *The Humanist-Scholastic Debate in the Renaissance and Reformation* (Cambridge, Mass.: 1995, p. 95): "Humanism itself underwent a profound change. An elitist literary movement in the fifteenth century, it emerged from the debate as a broad scholarly/pedagogical current and, as such, successfully reshaped educational institutions and esthetic values in Europe."

¹⁷ Consider the commonly recognized difference between theology developed in a religious setting, whether monastery or cathedral or *couvent*, and the modern alternative setting, namely, theology fabricated within the confines of a university campus.

¹⁸ See the Jesuit *Constitutions*, Part IV, Chapter 14, no. 464.

III. THE JESUITS

The briefest glance at the origins of the Society of Jesus reveals the unique character imparted to the institute by its founder, St. Ignatius Loyola (1491–1556).¹⁹ The relevant historical context in which to place the founding of the Jesuits coincides with the emergence of Martin Luther, John Calvin, and the 16th-century church-dividing Reform which they spearheaded.²⁰ Jesuits in their turn won back large portions of Europe for the Catholic church, while at the same time they reached out to win new territories. In the person of St. Francis Xavier (1506–52), the Jesuit genius and spirit quickly spread to a worldwide missionary effort whose dimensions attracted, even in Xavier's lifetime, international attention, especially at Rome.²¹ From their beginning, Jesuits enjoyed a mobility that was less practiced by the members of older Catholic religious orders. With respect to following instructions about deployment, Jesuits like Luis de Molina were formed to think of themselves as corpses, just as St. Ignatius had stipulated: "perinde ac si cadaver essent."²²

Jesuit life and spirituality differ from the earlier forms of religious life that had flourished since the patristic and medieval periods. The older monastic foundations placed the study of divine things at the center of their spiritual development.²³ The Jesuits, contrary to what today one might easily surmise, did not begin as an order dedicated to study. Instead, the Jesuit genius ranked praxis and "rigorous" Christian life as superior to studies. One has only to consider the *Spiritual Exercises* of St. Ignatius

¹⁹ For a primary resource on the spiritual dynamism of this man, see St. Ignatius Loyola, *The Autobiography of St Ignatius Loyola, with Related Documents*, ed. John Olin (New York: 1992). For a recent biography, see Philip Caraman, *Ignatius Loyola: A Biography of the Founder of the Jesuits* (San Francisco: 1990).

²⁰ St. Ignatius of Loyola's lifespan, 1491–1556, makes him a contemporary of Martin Luther (1483–1546).

²¹ See Guy Bedouelle, *The Reform of Catholicism, 1480–1620*, trans. James K. Farge (Toronto: 2008), 128: "It is therefore clear that, although they were later criticized for paternalism and theological syncretism, the methods of those Catholic missionaries—especially the Jesuits—were extraordinarily bold and resourceful." Francis Xavier was canonized at the same time as Ignatius Loyola by Pope Gregory XV on 12 March 1622.

²² Jesuit *Constitutions* (1554), no. 547: "Let everyone persuade himself that those who live under obedience must let themselves be led and ruled by divine providence through their superiors, as if they were a corpse which allows itself to be carried here and there and treated in any way, or like an old man's cane which permits itself to be used anywhere and in any way that the man who holds it wishes."

²³ See the classical study, Jean Leclercq, OSB, *The Love of Learning and the Desire for God* (New York: 1974). For some commentary, see my "Scholarship and Sanctity," *Second Spring* 10 (2008): 13–20.

to grasp the genius, or what today is called charism, that he wished to infuse into his new religious society.²⁴ Education, though a priority, was viewed as an important tool in order to obtain influence in the church and *saeculum*.²⁵ Pragmatic considerations guided the manner in which Jesuits took up studies, not only of philosophy and theology but also of the other disciplines.²⁶ This pragmatic, even utilitarian, built-in drive to the Jesuit system produced significant results. By the start of the 17th century, about 75 years after their establishment in 1540, the Jesuits numbered 13,000 members in 550 houses distributed throughout 15 provinces or regional divisions.

The Jesuits did not throw off the past altogether. "Ignatius," it is said "seems to have been particularly favorable toward the Dominicans."²⁷ As noted above, this favorableness extended to his stipulating for the Society the study of the doctrine of Aquinas. It did not take long, however, for the followers of St. Ignatius to place an interpretation on this injunction. For example, Alphonsus Salmerón (1515–85), a positive theologian and one of the first Jesuits, maintained that the nature of Jesuit adherence to the dogmatic achievement of Aquinas always was meant to admit of a certain leeway.²⁸ This caveat gained official recognition when the 1593 General Congregation of the Society of Jesus endorsed the study of Aquinas, while stipulating certain limits that members of the Society may place on the use of Aquinas's "scholastic doctrine."²⁹

The *Acta* of this General Congregation, held shortly after Molina had returned in 1591 from Portugal to his native Spain, include the following

²⁴ For a lucid description of what stands behind the *Exercises*, see John P. McIntyre, SJ, *Gli Esercizi Spirituali di Ignazio di Loyola* (Milan: 1995).

²⁵ Rivka Feldhay, "Knowledge and Salvation in Jesuit Culture," in *Science and Context* 1 (1987): 199.

²⁶ Feldhay, "Jesuit Culture," 209. Also see, Dennis C. Smolarski, "The Jesuit *Ratio Studiorum*, Christopher Clavius, and the Study of Mathematical Sciences in Universities," *Science in Context* 15 (2002): 447–57.

²⁷ O'Malley, *First Jesuits*, 248.

²⁸ See O'Malley, *First Jesuits*, 247–49: "The Jesuits definitively settled on Thomas Aquinas as their preferred author 'for scholastic doctrine,' a decision Ignatius enshrined in the *Constitutions* [#464]. Even so, they meant to allow themselves leeway, as Salmerón explained three decades later, and never intended to be more a friend to Thomas than to truth [*Epistolae P. Alphonsi Salmeronis*, 2 vols. (Madrid: 1906–07), vol. 2, 709–15]." Salmerón, of course, practiced positive theology. For a commentary on the circumstances of preferring positive theology to dogmatic theology, see my "On the Place of Servais Pincketers († 7 April 2008) in the Renewal of Catholic Theology," *The Thomist* 73 (2009): 1–27.

²⁹ See Louis Caruana, "The Jesuits and the Quiet Side of the Scientific Revolution," in *The Cambridge Companion to the Jesuits*, ed. Thomas Worcester (New York: 2008), 243–60, esp. 246–47.

admonition that illuminates the general attitude that, one must assume, had been communicated to the young Molina about the normative character of Aquinas's doctrine:

Let our fathers not think that they have to be so attached to St. Thomas to the point that they cannot differ from him in any manner, because even those who most openly declare themselves Thomists sometimes differ from him, and it would not be appropriate to tie Ours [the Jesuits] to St. Thomas more strictly than the Thomists do themselves.³⁰

Given the divergence of approaches to the authority of the Common Doctor that evolved within the 16th century, it is important to underscore the intellectual ambience that the young Luis de Molina encountered. While the Jesuit authorities continued to require study of St. Thomas Aquinas as part of their candidates' intellectual formation, Molina inherited a non-exclusive attitude toward the positions of Aquinas that, according to Salmerón, had shaped Jesuit life from its founding days.³¹

After the papal proclamation of Aquinas as a Doctor of the Church in 1567 when Molina was 32 years old, new impetus was given to the study of Aquinas as a principle of theological unity for the church.³² Dominican Thomists and others especially turned to the doctrine of Aquinas as a measure and guide for developing authentic Catholic doctrine. The Jesuits joined this important feature of the Catholic Reform enacted after the Council of Trent (1545–63), though with the aforementioned discretionary power with respect to Aquinas that the Society of Jesus allowed its members.³³

The Jesuits, who admittedly honored Aquinas as their "proper doctor," approached him as a master from whom they were free to depart when

³⁰ For the text, citation in the primary source, and further explanation, see John W. Padberg, SJ, "Development of the *Ratio Studiorum*," in *The Jesuit Ratio Studiorum: 400th Anniversary Perspectives*, ed. Vincent J. Duminuco (New York: 2000), 92. For further comment, see Marcia L. Colish, *Remapping Scholasticism* (The Etienne Gilson Series) 21 (Toronto: 2000).

³¹ See the early work by A. Inauen, "Stellung der Gesellschaft Jesu zur Lehre des Aristoteles und des hl. Thomas vor 1583," *Zeitschrift für katholische Theologie* 40 (1916): 201–37.

³² Pope St. Pius V, himself a Dominican, proclaimed Aquinas a *Doctor ecclesiae* on 15 April 1567. For further information, see Nicole Lemaitre, *Saint Pie V* (Paris: 1994), 168.

³³ For an overview of Thomism in the modern period, see Jacob Schmutz, "Bellum scholasticum. Thomisme et antithomisme dans les débats doctrinaux modernes," *Revue thomiste* 108 (2008): 131–82, esp. 138–62, which presents a classification of the adjective "thomista" and mentions the opposition between the Dominicans and the Jesuits. I am grateful to Professor Jürgen Vijgen of Sint-Truiden, Belgium, for this reference.

opportune.³⁴ This Jesuit flexibility was inevitable. First, the Jesuits were set upon developing a pastoral plan for educated Catholics, and they did not want to encumber the plan with corollaries that they judged supplemental for the doctrine of the faith.³⁵ Next, the second generation of Jesuit scholars, including men of the intellectual caliber of a Molina and a Francisco Suárez (1548–1617), were not easily restrained from pursuing a wide-ranging inquiry. Indeed Suárez, like Molina before him, devoted himself to explicating the thought of Aquinas, though on several key theses he interpreted creatively.³⁶ The Jesuit ranks included men of letters like Benedict Pereira (1535–1610), a Spanish philosopher, theologian, and exegete, Francisco Toledo (1532–96), the first Jesuit cardinal, and the above-mentioned Francisco Suárez, the *Doctor Eximius*. These distinguished men and others after them instinctively developed their independent scholarly interests. The rapid expansion of the Society of Jesus throughout the world afforded a strong moral argument to justify the Jesuit injunction not to allow intramural academic disputes to stand in the way of multicultural evangelization. Before the end of the 16th century, Jesuit intellectuals, missionaries, and pastors found themselves immersed in the new economic and political orders that trace their proximate origins to the early modern period.

In the 16th century, Jesuit intellectual interests aimed to address challenges from both Renaissance humanism and the Protestant revolt.³⁷ Since they knew that their founder consciously rejected the style of religious formation that had shaped older religious orders like the Dominicans, Jesuit scholars took for granted the freedom to strike out in new

³⁴ Feldhay, "Jesuit Culture," 197, explains: "[The Jesuits] frequently referred to Thomist philosophy, but not exclusively so. In fact, their *Ratio studiorum* explicitly stated that where Aquinas was unconvincing it was necessary to deviate from him, although the greatest respect should always be paid to him."

³⁵ U.G. Leinsle, "Delectus opinionum: Traditionsbildung durch Auswahl in der frühen Jesuitentheologie," in *Im Spannungsfeld von Tradition und Innovation: Festschrift für Joseph Kardinal Ratzinger*, ed. G. Schmuttermayr et al. (Regensburg: 1997), 159–75.

³⁶ For an appreciation of the version of Thomism that Suárez produced, see Francisco Suárez, *On Creation, Conservation, and Concurrence: Metaphysical Disputations*, 20–22, translation, notes, and introduction by Alfred J. Freddoso (South Bend, Ind.: 2002), esp., the Introduction, entitled "Suarez on Metaphysical Inquiry, Efficient Causality, and Divine Action," xi–cxxxiii. Also see, Jorge J.E. Gracia, "Suarez (and Later Scholasticism)," in *Routledge History of Medieval Philosophy*, ed. John Marenbon (New York: 1998), 452–74.

³⁷ Feldhay, "Jesuit Culture," 201, explains: "Jesuit Thomism, in comparison with the Dominicans, was mainly distinguished by its peculiar openness, stemming from the Jesuits' quest to educate the entire Catholic secular elite on the one hand, and from the independent intellectual interest developed by the second generation of scholars, on the other hand."

directions.³⁸ With respect to a strict adherence to Thomist theses, the Jesuits further recognized that the church faced certain fields of inquiry, such as international politics, that Aquinas did not explicitly develop. For example, in addition to the disputations for which he would become best known, Molina authored a six-volume treatise, *De iustitia et iure* (Cologne: 1613), that remained throughout the period of casuistry a well-respected authority, within the tradition of probabilism, for dealing with very complicated questions that arise within the virtue of justice.³⁹

Throughout his professional career, Molina maintains the Jesuit non-exclusive "manner" with respect to Aquinas's teaching.⁴⁰ For example, Molina complains at one point that he does not understand the thought of St. Thomas Aquinas. Again, Molina testifies that he finds the treatment of several themes in the texts of Aquinas difficult to comprehend or that he considers them incomplete. Still again, Molina judges that Aquinas has misread St. Augustine. This discretionary privilege that Jesuit authors enjoyed with respect to the teaching of Aquinas stands in stark contrast to the Thomist school of the 15th and 16th centuries, whose representative figures include John Capreolus (1380–1444) and Thomas de Vio, Cardinal Cajetan (1469–1534). These Dominican authors worked respectively to defend and to develop the integral body of Thomist thought without distraction. In fact, Molina himself described Cardinal Cajetan in this way.⁴¹

IV. CONTEMPLATION AND ACTION

Dominican life structures study, especially of theology, to proceed in conjunction with contemplative prayer. Both study and contemplation flow from the commitment of the Dominican to develop the act of theological

³⁸ Certain innovations in religious life instituted by St. Ignatius continued to baffle the papacy even after his death in 1556. For a brief account of the measures taken by Pope Pius V, see Lemaitre, *Pie V*, 174–76.

³⁹ The complete edition of this work was published in Cologne as early as 1613 and as late as 1759, that is, during the high period of post-Tridentine casuistry.

⁴⁰ For further discussion about Jesuit liberty with respect to the established scholastic schools, see Bruno Neveu, *L'erreur et son juge: Remarques sur les censures doctrinales à l'époque moderne* (Naples: 1993), 385: "il [statut de *recentiores*] ... leur [Jesuites] laissait une appréciable liberté vis-à-vis des écoles établis ... et les invitait à s'orienter vers des thèmes susceptibles de nouveaux développements ..."

⁴¹ See *Concordia* quest. 14, art. 13, disp. 26, ed. Rabeneck, 165: "Cajetanus namque, qui modum loquendi D. Thomae servat, ita ad hunc decimum tertium articulum suum ac D. Thomae sententiam interpretatur ..."

faith.⁴² To promote this development, Dominican study unfolds in a distinctive setting stipulated in the Dominican *Constitutions*.⁴³ Dominican study and religious exercises constitute a single form of life that reaches its final completion by passing over to the study of the Highest Truth. Dominicans discovered a model for this way of life in their own founder, as a Latin antiphon once used at the first nocturn of Matins on the Feast of St. Dominic commemorates: "Documentis artium eruditus satis, transiit ad studium summae veritatis." In the mid-13th century, Thomas Aquinas himself enjoyed this kind of setting. By the 16th century, Dominican education was governed as today by programs of study *secundum mentem divi Thomae*.⁴⁴ Although Dominican preachers and teachers left their religious houses to preach and to teach, their attachment to their assigned settings was designed to ensure authenticity in preaching and depth of study. Even a figure of Renaissance Thomism such as Thomas de Vio, Cardinal Cajetan, maintained as much as possible his Dominican lifestyle and his attachment to the Dominican priory in Rome, Santa Maria sopra Minerva. Living as Aquinas lived helps the student of Aquinas to grasp his genius.

A different *esprit* informs Jesuit life, as noted even by Jesuits. Jesuit communities observed a pattern of life suited to their unique objectives. For the Jesuits, the organization of knowledge was calculated to reach immediate and pragmatic objectives. According to Jesuit legislation, study and prayer impose two different kinds of exercises. The separation of contemplation and studies constitutes the key difference between the Dominican approach to apostolic activity and the Jesuit view of mission. One authority even refers to this separation (of contemplation and studies) as the key difference between what she calls the Dominican "culture" and the Jesuit "culture."⁴⁵

⁴² For further explanation, see my *Christian Faith and the Theological Life* (Washington, D.C.: 1996), esp. Chapter 3.

⁴³ For information on the distinctiveness of Dominican religious life, see M.-H. Vicaire, *Histoire de saint Dominique*, vol. 1, *Au Cœur de l'Eglise* (Paris: 1982), 227–30.

⁴⁴ Since the last decades of the 13th century, the chief legislative body of the Dominican order obliged every one of its members "insofar as he was able and capable, to devote himself effectively to the study, promotion and defense of the doctrine of the venerable master, friar Thomas de Aquino, of celebrated memory." See A. Walz, "Ordinationes capitulorum generalium de Sancto Thoma eiusque cultu et doctrina," *Analecta ordinis Praedicatorum* 16 (1923–24): 169–70.

⁴⁵ Feldhay, "Jesuit Culture," 200, makes the following observation: "The tendency to identify studies with a religious worship of a sort emerged during the 1550's. Polanco, the secretary-general of the Society in those years, found it necessary to differentiate between different ways of loving God: through oration and contemplation, which emphasizes the role of the will, on the one hand, and through studies on the other."

The practice of isolating intellectual pursuits from an integrated form of religious life emerges early in the history of the Society of Jesus. It is found enshrined in the *Regula* or “Rules” for study set down in 1563 by one of St. Ignatius’s early companions, Jerónimo Nadal (1507–80).⁴⁶ In this *Regula pro scholaribus Societatis*, we find set forth what, in the 16th century, clearly appeared as an innovative admonition:

Let everyone know that the Society has two means by which it strives for this end: the one is a certain force, spiritual and divine, which is acquired through the sacraments, prayer, and the religious exercise of all virtues, and which is warranted by the special grace of God; and the other force is placed in the faculty which is ordinarily found through studies.⁴⁷

The stipulated divorce between study and contemplation affected the running of the Jesuit educational institutions as well as the specifically Jesuit approach to the study of theology.

Factors that urged this dichotomy between prayer and study are the Society’s missionary character and the complete disposability that Jesuits required to accomplish their mission. On a more theoretical note, the modern preference to separate sharply bodily matter from immaterial spirit shaped this conception of Jesuit *agir*. At the same time, this separation of the way of studies from the road to salvation enabled the Jesuit intellectual mission to embrace a certain autonomy.⁴⁸ The splitting of the “two ways,” namely, the way of study and the “divine way of salvation,” set subsequent Jesuit thinkers on a trajectory that characterizes even now the Society’s approach to intellectual freedom.

The autonomy of the intellectual mission of the Society of Jesus finds its cornerstone in the stipulated obligation to discover the “truth” without feeling constrained by the requirements of the doctrinal formulations of a particular school of thought or theological tradition. “The Jesuits,” it has been observed, “did not attempt to formulate a theory that would conjoin speculation with affectivity, for they were more interested in content and conclusions than in reconciling methods or analyzing systems.”⁴⁹ It did

⁴⁶ Feldhay, “Jesuit Culture,” 200: “The separation of studies from contemplation was significant, for it marked a certain degree of autonomy for studies in the context of Jesuit culture, and simultaneously a significant legitimation of noncontemplative intellectual activity as a path to God. This last tendency culminated in the ‘Regula pro scholaribus Societatis,’ written by Nadal in 1563.”

⁴⁷ As quoted in Feldhay, “Jesuit Culture,” 200.

⁴⁸ Feldhay, “Jesuit Culture,” 200.

⁴⁹ O’Malley, *First Jesuits*, 252.

not take long for the brightest of the first generation of Jesuit scholars to take advantage of the well-defined division of labors set down by Father Nadal.

The Jesuits appear during a difficult period of the church's history. In 1512, the Augustinian cardinal and humanist scholar, Giles of Viterbo (1470–1532), speaking at the opening of the Fifth Lateran Council, asked rhetorically, "When have our religion and our faith been more ridiculed, even among the common people?"⁵⁰ He was urging the necessary internal reform of the church. The remedy for this unfortunate circumstance, which was generated in part by disagreements between the champions of humanistic studies and the defenders of the scholastic methods, required a considerable deployment of resources.⁵¹ It took an ecumenical council to galvanize these forces. Like the ecumenical councils that had preceded it, the Council of Trent observed the principle of continuity by reaffirming Catholic teaching and by clarifying points of that teaching that had been called into question by the Protestant divines. The texts of Aquinas served as a major vehicle for assuring the desired continuity. Still, in order to account for the spirit of intellectual inquiry practiced by Jesuit scholars, it is important to remember that the 16th-century Protestant Reform gave institutional and theological expression to a large-scale abandonment of received Catholic doctrines.

The French historian, Guy Bedouelle, finds the specifically Dominican approach to contemplation and study reflected in the decisions of the Council of Trent. On Bedouelle's account, this important ecumenical Council "agreed to conjoin doctrine and discipline, theology and practice, contemplation and action, and perhaps—even if this seems paradoxical to some—the temporal and the spiritual."⁵² In other words, the Council enacted a typically Dominican vision of life, of action, including study, which flows integrally from a life of prayer, of contemplation. The insistence on both/and became a leitmotif of the 16th-century Catholic reform movement. Bedouelle's analysis of Trent's accomplishment raises the question of Jesuit conformity with the overall thrust of renewal as envisaged by the church.

The Jesuit program of religious formation, which effectively replaced the monastic model of *ora et labora* that sustained the Western church

⁵⁰ For the reference (Mansi, XXXII, col. 672) and for further discussion, see Guy Bedouelle, *The History of the Church*, trans. John Langlois (London: 2003), 96.

⁵¹ For further discussion, see Rummel, *Humanist–Scholastic*, 1–40.

⁵² Bedouelle, *Reform*, 136.

and, arguably, civilization since the 6th century, throws some light on Molina's preference for separating the rational powers. For the Jesuit, the perfection of the intellect by study is one thing, whereas the perfection of the will by obedience and prayer is another. Molina was disposed to separate intellect and will. He exhibits, then, a certain complacency before the proposal to separate conceptually the workings of the divine intellect from those of the divine will.⁵³ In fact, Molina both received and furthered this notion. He grew accustomed to thinking of a dissociation between the divine intellect and the divine will not so much through the ordinary avenues of intellectual formation—nor, as some contend, from his study of Aquinas—as he did from the Jesuit spiritual instruction that he had received since attaining his majority.⁵⁴

Late medieval voluntarism, with its preference for excluding the intellect from explanations of how the will operates, left its mark on the new humanist studies of the Renaissance. Full-blown voluntarism works havoc on Christian life. In both the speculative and the practical orders, voluntarism raises questions about the contours of human freedom. The moral systems of casuistry illustrate an effort to control a basically autonomous freedom by appeal to divine laws and sanctions. Side by side with the elaboration of moral systems, theologians of the 16th century found themselves faced with one of the high-profile theological debates initiated by the Protestant Reformers, namely, the predestination of souls unto eternal salvation. Otherwise put, how does a person lay claim to heaven and avoid hell. As St. Ignatius had warned his disciples, this question can give rise to confusion among people when God's knowledge is made the certain cause of who is predestined.⁵⁵

⁵³ Feldhay, "Jesuit Culture," 205: "The Jesuits separated God's knowledge from his will."

⁵⁴ See Pegis, "Human Liberty," 75–131, at 83: "[Molina] was like a man with a mission, for he had heard, to use a happy phrase, the 'marching orders' which St Ignatius left behind him for his Society: 'We ought not to speak nor to insist on the doctrine of grace so strongly as to give rise to that poisonous theory that takes away free-will. Therefore, we may treat of faith and grace as far as, with the divine assistance, our discourse may conduct to the greater praise of God, but not in such a way, especially in these dangerous times, that works of free will receive any detriment or come to be accounted for nothing.' As it has well been said, Molina knew these directions and their spirit. Indeed, he not only knew them, he also followed them to the letter."

⁵⁵ From *The Text of the Spiritual Exercises of St. Ignatius* (London: 1923), 45ff, "Rules for thinking with the Church" with which Molina was familiar, as quoted in Smith, *Freedom*, 220–21: "Although it is very true that no one can be saved without being predestined, and without having faith and grace, we must be very careful in our manner of speaking and treating of all this subject. We ought not habitually speak much of Predestination; but if

V. ECLECTIC THOMIST

The Thomist authority, J.A. Weisheipl, OP, coined the expression “eclectic Thomist” to cover those authors who, especially throughout the modern period, drew selectively from the major themes found in the writings of Aquinas.⁵⁶ Molina fits the definition of an eclectic Thomist. In fact, Molina acknowledges in one letter the liberties that he finds himself compelled to take, in at least one area of inquiry, with the text of Aquinas. Because it reveals something of Molina’s proper attitude toward the authority of Aquinas’s texts, this excerpt from one of Molina’s letters contributes to making a fair evaluation of Molina’s use of Aquinas’s *corpus* of writings:

Then it seemed to me that the treatment given in the matter of justice by the theologians and principally St. Thomas was too short. The theologians on matters of government were discredited and rightly so. When questioned on many points they were at a loss for and shed little light on an answer. They were cowardly in undertaking enterprises in the service of God, expressing their conclusions, and quieting consciences—all for a lack of knowledge on moral questions, and in particular in the matter on justice (as I admit has happened to me a number of times on missions and elsewhere). *Therefore I decided to drop St. Thomas from Question sixty-two up to the beginning of the matter de religione* (about fifteen questions) and do five treatises on justice in which I would say everything St. Thomas said in these questions, and a lot more he did not say.⁵⁷

It is noteworthy to point out that prior to his entrance into the Jesuits at Alcalá near Madrid, Molina had briefly studied law at Salamanca.⁵⁸ Molina’s interest in the doctrine of Aquinas remains very circumscribed. He did not find Aquinas’s teaching in *Summa theologiae* 1a, qq. 14–25 passim

sometimes mention be made of it in any way, we must so speak that the common people may not fall into error, as happens sometimes when they say: ‘It is already fixed whether I am to be saved or damned, and there cannot be any other result whether I do good or ill’; and, become slothful in consequence, they neglect works conducive to their salvation, and to the spiritual profit of their souls.”

⁵⁶ For further information, see “Thomism” in the *New Catholic Encyclopedia*, vol. 14 (New York: 1967), 126. See also, my *Short History*, Chapter 1.

⁵⁷ From a letter by Molina, cited in Costello, *Political Philosophy*, 16, emphasis added. Molina reflects Jesuit practice in the development of doctrine.

⁵⁸ Costello, *Political Philosophy*, 15, notes that Molina is something of an autodidact: “[Molina] spent eighteen months studying law at Salamanca and Alcalá before he joined the Jesuits. Besides the ordinary philosophical course at Coimbra he seems to have had little subsequent training in that field. Molina himself remarks on this deficiency: ‘I am rather amazed that anyone with so little background in moral [theology] as I had when I began the *Secunda Secundae* could produce such a finished work and arrange it so well, lecturing on the very matter I was assembling.’”

easy to grasp. We have Molina's own testimony that he did not appreciate the genius of Aquinas.⁵⁹ Specifically, he acknowledges that he does not understand what Aquinas teaches on the point of the application of the divine causality in reference to secondary causes and their activity.⁶⁰ His difficulty arises from his failure to grasp the teaching of Aquinas that, in a phrase, God causes necessary causes necessarily, and contingent causes contingently.⁶¹

Differences of opinion are not uncommon among Thomists; they erupted shortly after the death of Aquinas. The reaction to the *Concordia* that arose within Molina's own lifetime, however, goes beyond a legitimate expression of different opinions. It indicates that the majority of commentators on St. Thomas recognized in Molina's proposals an eclecticism that did not find warrant in the general principles of thought that govern the work of Divus Thomas. Thomist commentators seek to explore and interpret the texts of Aquinas on which they comment. They seek to reconcile discrepancies, as much as possible, within the *corpus* of authentic Thomist writings. These functions require a judicious exercise of critical judgment. This description holds good for the best of the Thomist commentatorial tradition. Molina, however, indulges in a form of expository writing. His expositions are related to Thomist texts in a broad and thematic way. In fact, as his remarks on the treatise on justice indicate, Molina takes exception to certain of Aquinas's positions, including those found in the *Summa theologiae*. Molina rather supplants what Aquinas had to say with his own proposals for casuistic analysis which replaced Aquinas's virtue theory. Herein lies one piece of evidence that suggests his mannered eclecticism.

Since Molina's Jesuit rule of life warned against showing disrespect to the thought of Aquinas, Jesuit discipline may explain why Molina engaged mainly with other Thomists who were his own contemporaries, especially the theologian Domingo Bañez (1528–1604). It is also indicative of his commitment to the Jesuit program of studies that Molina's

⁵⁹ Smith, *Freedom*, 114.

⁶⁰ See *Concordia*, quaest. 14, art. 13, disp. 26, ed. Rabeneck, 164: "Duo autem sunt quae mihi difficultatem pariunt circa doctrinam hanc D. Thomae." For further information, see O'Connor, "Interpreters," 246.

⁶¹ See *Summa theologiae* 1a, q. 22, art. 44, ed. Blackfriars, vol. 5, 103: "Hence divine Providence, working to produce every degree of reality, accordingly prepares necessary causes for some effects, so that they eventuate of necessity, and contingent causes for others, so that they eventuate contingently; both types correspond to the condition of their proximate causes."

perceived pragmatic concerns moved him to engage these other interpreters of Aquinas. "I see," he wrote to his father general, "that the truth is on our side, inasmuch as Bañez and Zumal [a Mercederian] have opened the doors of Spain to the errors of Luther."⁶² While it falls outside the scope of this chapter to discuss Molina and Thomism or Molina and Thomists, the exchanges that Molina's views ignited among the 16th-century followers of Thomas Aquinas present fascinating pages in the history of theology.⁶³

There is no broad agreement about how to align the participants in the various debates that Molina's *Concordia* instigates. At the same time, it is clear that Molina distanced himself from both the letter and the meaning of the texts of Aquinas. As he himself acknowledges, Molina found Aquinas's teaching that God's will is the complete cause of things, always fulfilled but not compulsive, difficult to understand. In order to safeguard human freedom, Molina introduced a phase wherein the human will is left to take some initiative. This view of the cooperation between God and man results in thinking about God and man as two co-causes that bring about the human creature's salvation, like—to use Molina's own pellucid image—"two men rowing a boat."⁶⁴ From what has already been said, it is evident that differences between Aquinas's teaching on predestination and Molina's teaching on the *concursus* will surface.

Perhaps to avoid the appearance of disregarding the Jesuit counsel to read Aquinas and perhaps as well to avoid exhibiting open conflict with the newly proclaimed *Doctor ecclesiae* (1567), Molina engaged the Thomist commentatorial tradition. He took exception to other commentators on Aquinas, theologians who in principle exhibited sympathy for the work of Aquinas.⁶⁵ The eclectic took on the mainstream Thomists. Mainstream

⁶² Cited in Jean Lecler, "Molina (Luis de)," *Catholicisme: Hier Aujourd'hui Demain*, vol. 9, ed. G. Mathon et al. (Paris: 1982), 493, who in turn cites Friederich Stegmüller, *Geschichte des Molinismus* (Münster: 1935), Part 1, *Neue Molinaschriften*, 715.

⁶³ Consider the monumental work by Petrus Poussines (Possinus), SJ, (1609–86), *Historia controversiarum quae inter quosdam e sacro Praedicatorum ordine et Societatem Jesu agitatae sunt ab anno 1548 ad annum 1623*, sex libris explicata, Petro Possino, ex eadem Societate auctore, Autograph, 4°, 1236 pp., in der Jesuitenbibliothek in Toulouse. See also the discussion in this *Companion*, especially Chapters 1–3 and 12.

⁶⁴ *Concordia*, q. 14, art. 13, disp. 25, ed. Rabeneck: "Ordo agentium respondet ordini finium. Sed unius rei non possunt esse duo fines immediati et perfecti. Ergo neque esse possunt duo agentia, nisi forte supplerent vicem unius agentis perfecti; quo pacto duo trahentes navim efficiunt unum agens integrum ac sufficiens et perfectum; et eodem modo ejusdem rei possunt etiam esse plures fines partiales."

⁶⁵ Thus, Pegis, "Human Liberty," 77: "On more than one problem Molina is much more concerned to overcome the difficulties that post-Thomistic thought raised for him than to discuss his relations with St Thomas. Indeed, his view of St Thomas is conditioned by the

Thomists also were quick to react to the *Concordia*. No sooner was it published, than certain persons whom Molina claims not to know called into question the soundness of his doctrine.⁶⁶ Even should one grant that Molina understood himself as doing battle with other interpreters of Aquinas, Molina's strategy for dealing with the theological materials of the period effectively provided him with a way to establish alternative positions to those that Aquinas may reasonably be said to have held.⁶⁷

VI. MOLINA'S VIEWS

To offer some gauge of the extent of Molina's eclecticism, it is useful to recall the main issue treated in Molina's extended commentary on the *Summa theologiae*: God's foreknowledge of free future events (*Summa theologiae* 1a, q. 14, art. 13).⁶⁸ Since practical and pedagogical concerns motivate Molina's taking up the theme of predestination, he commits himself understandably to ensuring that the exercise of human freedom remains free. The root problem, from a Thomist point of view, is clear: Molina could not envisage a freedom outside of ascribing to the human will a certain autonomy. Because of his use of the Aristotelian view of the harmony that can exist between the principal and secondary causes, Aquinas was able to set forth another way to preserve human freedom. On a Thomist account, Molina's inability to understand Aquinas's teaching on secondary causes and their relation to the primary cause sets the former on a course that departs from the latter.

To measure whatever distance Molina places between himself and Aquinas, we examine two topics. The first (6.1) deals with the nature of

events which intervened between them. These events affected not only his view of the problems with which, as a Catholic theologian, he was concerned, but also his view of the meaning of St Thomas' analysis of these problems."

⁶⁶ *Concordia*, "Appendix," ed. Rabeneck, 619: "Nostra De libero arbitrio cum gratiae donis, praesentia, praedestinationeque Concordia vix in lucem prodierat, cum de sanitate nostrae doctrinae aliqua ex parte a quibusdam, quos prorsus ignoro, dubitatum est."

⁶⁷ See O'Connor, "Interpreters," 248: "Molina knew that he was departing from St. Thomas not only in terminology but in doctrine." At one point in *Concordia*, quaest. 14, art. 13, disp. 50, ed. Rabeneck, 320, Molina cites the doctrine of a "certain disciple of St. Thomas"—supposedly Bañez—as differing only in words from the teaching of Scotus: "Quidam D. Thomae discipulus solis verbis differens ac Scoto hanc eandem sententiam tribuit D. Thomae."

⁶⁸ For a brief but comprehensive statement of the issues at stake between Molina and other Thomists, see Thomas Gilby, OP, *God's Will and Providence*, ed. Blackfriars, vol. 5, 104–05, note "f."

human willing and the skewed vision of the human soul generated by philosophical and theological voluntarism. The second topic (6.2) considers the dimensions of human freedom within the context of divine causality. In the final subdivision of this chapter, we will examine the spirituality of freedom that develops from adopting Molina's basic theological program on divine foreknowledge, human predestination, and the way divine grace becomes an effective gift of salvation for an individual believer.

6.1. *Voluntarism*

Within the history of Western thought, voluntarism describes the philosophical prejudice that regards God principally as an expression of will (*voluntas*). Some varieties of voluntarism remain ultimately incompatible with Christian doctrine. Pope Benedict XVI supplies a brief account of a shift in Western Christian thought toward voluntarism that took hold in the 14th century and that, on the pope's account, affected adversely the way that subsequent theologians spoke about the will. In his 2006 Regensburg Address, Pope Benedict XVI sets out the history: "In contrast with the so-called intellectualism of Augustine and Thomas, there arose with Duns Scotus a voluntarism which, in its later developments, led to the claim that we can only know God's *voluntas ordinata*. Beyond this is the realm of God's freedom, in virtue of which he could have done the opposite of everything he has actually done."⁶⁹ In other words, our knowledge of God is limited by an apophasis that no analogical knowledge can bridge. For this reason, voluntarism directly affects the way that we envisage the relationship of God to the created world. In short, our knowledge of the God whose wisdom created the universe and who can be known through his creation stops at God the Anonymous, the God of absolute apophaticism. Catholic doctrine holds out another view: God does not become more divine when the creature, as it were, separates God from the world by forcing God into an impenetrable voluntarist obscurity. The pope explains

⁶⁹ Lecture of the Holy Father, Aula Magna of the University of Regensburg, 12 September 2006, "Faith, Reason and the University: Memories and Reflections." Earlier, Anton Pegis, "Human Liberty," 113–14, established the connection between the voluntarism of Scotus and the view of Molina on causation in the will: "The channel of Molina's doctrine [of freedom] here seems to be Scotus. From Scotus Molina had accepted a theory of liberty which, while itself a reaction to a necessitarianism of a certain kind, was to accentuate still more Molina's conviction that the cause of liberty was in the will and that to say that the intellect in any way caused choice was also to imperil liberty." For a more recent comment on the causation of the will, see Alasdair MacIntyre, *First Principles, Final Ends, and Contemporary Philosophical Issues* (Milwaukee, Wis.: 1990).

that Christians are not free to locate the ultimate divine reality in a hidden exercise of the divine will. Christian doctrine recognizes in the world an intelligible pattern and intelligible forms that reflect the nature of the God who created the pattern and the forms, and whose existence becomes accessible to human reason through an exercise of analogical thinking that has come to be called the analogy of being (*analogia entis*).⁷⁰

Catholic moral teaching requires a robust teaching on human nature; it does not survive well when constrained by ideological presuppositions to display only a piously ironic sense of nature, as if human nature were a foil for highlighting the splendors of divine grace. Without the intelligibility that human reason can discover in creation, the created order appears to man as a threatening reality. Creation surrenders nothing of its intrinsic meaning to the inquiring mind. When voluntarist principles are applied to the field of human psychology or ethics, proponents of psychological voluntarism favor explanations of human behavior that rely solely or predominantly on the human will. When Molina confessed that he could not understand how human freedom and divine causality could be understood together, he set himself on a path of inquiry that *de facto* separated him from the thought of Aquinas. This intellectual gap, on all accounts, is difficult to breach.

Recall that Molina explicitly states in the *Concordia* that he does not understand Aquinas on the exercise of secondary causality. One author sums up the position of the 16th-century Jesuit author on human freedom: "Molina had no knowledge *per causas* of liberty."⁷¹ The flight from

⁷⁰ For a recent magisterial statement on faith and reason, see Encyclical Letter of Pope John Paul II, *Fides et ratio* (14 September 1995), nos. 52–54. For further commentary, see my "Duplex Ordo Cognitionis," in *Reason and the Reasons of Faith*, ed. Paul J. Griffiths and Reinhard Hütter (New York: 2005), 327–38.

⁷¹ Smith, *Freedom*, 221. Gerald Smith (*Freedom*, 225) goes on to observe that one can point out a similarity between Molina and Martin Luther: "Luther's principle was the corruption of human nature. Molina's principle was the previsibility of free choice by *scientia media*. And both arrived at a concept of liberty in which the writer can see no philosophical difference: a spontaneity which is necessitated, a spontaneity immune from necessity. For if free choice be only spontaneous, there is no more philosophical reason for asserting the absence of necessity in it than for denying it. Perhaps the reason that these two adversaries, who would be astonished at their identification, land in the same philosophical camp is this: there is little philosophic difference in the principle that nature is corrupt and therefore unfree and the principle that the acts of a free nature are, in a sense, uncaused by God. In the first case there is no free nature; in the second case it is there, but there is no reason why it should be. In either case God does not cause freedom. And to say that God does not cause freedom or that there is no freedom is to say pretty much the same thing." In a letter to the Jesuit general, Claudio Acquaviva, Molina in fact accused opponents, like

causal analysis of reality, whether human or divine, may be traced conveniently to the nominalist rejection of metaphysics. Whereas in nominalist thought the preference is for voluntarism, there is found in Molina an unsubtle denial of the intellectualist account of freedom. Instead, his account favors a libertarian view of freedom that preserves a liberty of indifference in the creature even with reference to the divine causality.⁷² This is the view of freedom that Molina made famous in his formulation in the *Concordia*, namely, that “the will is free only when, all requirements for acting being present the will can act and not act.”⁷³

6.2. *Human Freedom*

Late medieval nominalism generated a view of human freedom that is known as the “freedom of indifference.”⁷⁴ The Belgian theologian, Servais Pinckaers (d.2008), gives this succinct definition of the freedom of indifference: “The power to choose between contradictories. Freedom resides in the will alone.”⁷⁵ Father Pinckaers explores the distortions that the freedom of indifference introduced into Catholic moral life. Specifically, moral theologians lost view of the causality at work in the virtues of the Christian life that dominated the classical moral theology of both the patristic authors and the great scholastics of the 13th century. Instead, this modern view of human freedom, which dominated Catholic moral theology for some four centuries, roughly from the mid-16th to the mid-20th, leads to envisaging the Christian life as a “battle of wills” between God and man.

the Dominican Domingo Bañez (1528–1604), of opening the doors of Spain to the errors of Luther. See Stegmüller, *Geschichte*, 715.

⁷² Paradoxically, Molina equates the operation of the human will with what Aquinas describes as appropriate within God where there is no causality, no relationship of cause to effect. See *Summa theologiae* 1a, q. 19, art. 5 ed. Blackfriars, vol. 5, 23: “By one act God understands everything in his essence, and similarly by one act he wills everything in his goodness. Hence, just as in God the understanding of the cause is not the cause of his understanding the effect, though he understands effects in their cause, so his willing the end does not cause his willing things subordinate to it, though he does will them to be ordered to that end. In other words, he wills this to be because of that, but he does not will this because he wills that.”

⁷³ See *Concordia* quaest. 14, art. 13, disp. 2, ed. Rabeneck, 14: “Quo pacto illud agens liberum dicitur quod positus omnibus requisitis ad agendum potest agere et non agere . . .” For further commentary, see Steven A. Long, “The Perfect Storm: On the Loss of Nature as a Normative Theonomic Principle in Moral Philosophy,” Lecture delivered at “MacIntyre at 80: A Conference in Honour of the Life and Work of Alasdair MacIntyre” (6–9 March 2009) in Dublin, Ireland. Typescript, 14.

⁷⁴ See for example the illustrative analysis in Servais Pinckaers, *The Sources of Christian Ethics*, 3rd ed., trans. Mary Thomas Noble (Washington, D.C.: 1995), 251–52.

⁷⁵ Pinckaers, *Sources*, 375. Translation adapted.

This battle is seen and indeed plays itself out in the complicated strategies found in the Catholic casuistry of the post-Tridentine period to reconcile the prerogative of the putatively “free” human will with the requirements of a supreme though minutely mediated divine will.⁷⁶ The drama of 400 years of Catholic moral theology weighed down by extrinsic juridical considerations, dispensations, exculpation by appeal to ignorance of the law, and so forth, that the 16th-century casuistry manuals emphasized, find warrant in the subtle transformations of the categories of Catholic thought that John Duns Scotus introduced in the late 13th century.⁷⁷ By the time that he publishes his *Concordia*, Molina reveals himself completely won over by a view of human freedom that is one of indifference.

The inability to conceive of a relationship between the divine nature and the human will without compromising the latter's freedom leaves Molina in a difficult position. This position compels him to devise a theological anthropology wherein human freedom is discovered by revelation. Molina knew by faith that choice is unnecessitated. He admits that Aquinas's explanation left him unconvinced. His philosophical psychology however provides no grounds for denying necessity in choice. He, then, is left to assert this psychological freedom. Why? The only answer lies in his theological convictions. Divine revelation affirms that the human creature enjoys a freedom that is real and not illusory. One philosopher has remarked on Molina's reliance on divine revelation to establish the starting point of his inquiry:

Now Molina's proposition, choice is spontaneous and unnecessitated, is not self-evident; and although it may or may not be a fact that choice is such, still it is not immediately evident that it is a fact. As for a middle term which might prove his point, Molina has cut off this possibility by denying the intrinsic causality of the antecedents of choice. God does not cause freedom, nor does freedom grow from the intrinsic causality of its intellectual antecedents. If, then, choice be free, the only reason, apart from philosophy, by which we can know this is some fact which attests it. Now the fact which does this for Molina is revelation; and in his system, despite his appeal to psychology, it is the only fact which can do it.⁷⁸

⁷⁶ For additional comment, see Preface to *The Morality of Imperfections*, by James C. Osbourn (Westminster, Md.: 1950).

⁷⁷ This is the view of Pegis, “Human Liberty,” 129: “His [Molina's] theory of the liberty of indifference, which comes principally from Scotus, is itself a reaction to the metaphysical determinism that Scotus himself had experienced and opposed in Avicenna.”

⁷⁸ Smith, *Freedom*, 223.

Psychological voluntarism creates a dilemma for Christian believers, whose creed requires them to accept a God who is outside of the order of creation: "I believe in God, the Father Almighty, Creator of heaven and earth." According to the *Catechism of the Catholic Church*, this credal profession of faith means that "the eternal God gave a beginning to all that exists outside of himself."⁷⁹ On Aquinas's account, the free acts of the human creature are not excluded from finding their origins in this causal beginning.

The question that a voluntarist view of human freedom poses is familiar to modern theology, set out in epic iambic pentameter by the Calvinist poet John Milton (1608–74) in his poem, *Paradise Lost*. How does one reconcile the prerogatives of a sovereign God with the freedom that this same sovereign God bestows on his intelligent creatures? In the late 16th century, Molina seeks to understand the nature of this tension by way of reflection on his Jesuit identity. Freedom consists in the power of complete and active self-determination. He sets out to resolve the tension between an ordaining God and a free creature according to the Jesuit ideals he himself espoused. As one critic has observed, it would have surprised Molina to discover that philosophically his position resembles less the spirit of Ignatius of Loyola and more the starting point of Martin Luther, that is, Luther's view of a corrupt and therefore incapacitated nature.⁸⁰ Molina *a priori* allowed nothing to move the will in order to preserve its excellence. Luther adopted the same position but for a different reason. For his part, he denied that any divine movement could touch the human will in its state of sinful incurvation. In his works of literary criticism, the Canadian clergyman, Northrop Frye, suggests that the Protestant maieutic prefers the practical intellect over the speculative one.⁸¹ Molina apparently does the same thing, but he calls it Catholic.

It has been argued that Molina's reasons for the absence of necessity are assertions rather than arguments for choice being unnecessitated.⁸² In any case, Molina's novel solution to the problem of keeping the human creature in some state of dependency on God for the gift of eternal life

⁷⁹ *Catechism of the Catholic Church*, no. 290.

⁸⁰ Smith, *Freedom*, 223: "If, then, there is a difference between Molina's notion of liberty and Luther's, it is theologic, not a philosophic difference."

⁸¹ See for example, Northrop Frye, *The Great Code: The Bible and Literature* (New York: 1982).

⁸² See Smith, *Freedom*, 224: "One may deny that St. Thomas' reasons [for choice being unnecessitated] are valid. At any rate, they are reasons. Molina's reasons for the absence of necessity are assertions."

appears in his celebrated "*scientia media*." Molina's view of freedom is directly connected to *scientia media*: "It is the conviction that if liberty is in any sense caused, it ceases to be liberty. Out of this conviction is born the famous Molinist doctrine of *scientia media*."⁸³ The particulars of this hypothesis are treated elsewhere in this volume. What is important to note is the metaphors that Molina employs to describe the Christian life lived under the hegemony of a putative *scientia media* or "middle knowledge." In the *Concordia*, he explains that the innovative way in which he accounts for God's knowledge of future contingent activity must not provide an excuse for lassitude. On the contrary, each person must work at his salvation like a farmer at his harvest, a patient at his healing, a soldier at his victory, or like any responsible person at a given task. The human creature is invited to address reasonably his circumstances without fretting over the designs of God's foreknowledge, that is, as if they were not an operative feature of human freedom.⁸⁴

Aquinas strikes a different note. As well intentioned as Molina's practical solution may have been, it avoids facing squarely theological questions, such as the one that Aquinas treats in the *Summa theologiae* question devoted to predestination, namely, "Whether it is fitting to think of God as predestinating?"⁸⁵ To examine this question requires inquiring into the nature of the divine helps (*auxilia*) that grace affords: How is efficacious divine grace joined to free human choosing? A close reading of what Aquinas has to say on this topic reveals that the Common Doctor retreats from trying to resolve a question that remains irresolvable, except that Aquinas excludes the error of the Pelagians which is to insert the autonomous creature into the shaping of a decision that depends on the divine decree and mercy. He brings his answer to a conclusion by quoting Matthew 20:14–15: "Take what is yours and go. What if I wish to give this last one the same as you? [Or] am I not free to do as I wish with my own money?"⁸⁶

⁸³ Pegis, "Human Liberty," 119.

⁸⁴ *Concordia*, quaest. 14, art. 13, disp. 52, ed. Rabeneck, 356: "Quod de agricola adhibitum est exemplum, accommodari etiam poterat tum aegroto qui fretus Deum futura praescire nollet morbo adhibere remedia, tum militi qui eadem ratione ductus procederet ad pugnam nullo armorum praesidio munitus, tum infinitis aliis."

⁸⁵ *Summa theologiae* 1a, q. 23, art. 1. In *Summa theologiae* 1a, q. 23, art. 7, ed. Blackfriars, vol. 5, 135, Aquinas reflects the general theological mood of his day when he concludes: "We have to hold that the number [of the predestined] is fixed, not only at a figure, but also as to whom it includes."

⁸⁶ See *Summa theologiae* 1a, q. 23, art. 5, ed. Blackfriars, vol. 5, 120–28: "Utrum praescientia meritorum sit causa praedestinationis," where Aquinas explores this delicate question.

VII. SPIRITUALITY OF FREEDOM

Scholarly discussions built upon the question of how to understand the divine election of souls, that is, to determine what names are found in the Book of Life, continue to divide Protestants and Catholics.⁸⁷ It is surprising, then, to discover that Martin Luther and Luis de Molina find themselves agreeing about the isolation of the human will from all external influence. Luther resolved his dilemma by appeal to the doctrine of extrinsic justification. The Christian believer could rely on Jesus Christ to merit for him the salvation that an impotent will could only await. At the same time, St. Ignatius instructed Jesuits to prevent a passive posture with respect to meritorious actions that post-Tridentine Catholics identified as a central tenet of the Protestant ethos. "In like manner we ought not to speak or to insist on the doctrine of Grace so strongly, as to give rise to that poisonous teaching that it takes away free-will. Therefore, we may treat of Faith and Grace, as far as we may with the help of God, for the greater praise of his Divine majesty; but not in such a way, especially in these dangerous times of ours, that works of free-will receive any detriment, or come to be accounted for nothing."⁸⁸ This warning shifted a theologian's attention to the cooperation of the human will in ratifying the divine choice. So Molina created another picture of divine-human cooperation. He envisions two agents each contributing a partial share of what is required to perform a good deed. Good teacher that he was, Molina constructed a metaphor that would appeal to the imagination of his students.⁸⁹ Again, in the *Concordia* he describes the relationship of God and man in the latter's salvation, like two men rowing a boat.⁹⁰ What

⁸⁷ In order to cover the metaphor found in both the Old and New Testaments, Aquinas appends a separate question on the Book of Life in the *Summa theologiae* 1a, q. 24, to his treatment of predestination, even though he allows only a notional distinction between the two topics: "Predestination and the Book of Life are different notions, though the last implies the recognition of predestination" (*Summa theologiae* 1a, q. 24, art. 1, ad 4, ed. Blackfriars, vol. 5 [New York: 1967], 145).

⁸⁸ From the *Exercises*, "Rules for thinking with the Church" as quoted in Smith, *Freedom*, 221.

⁸⁹ St. Ignatius forbade his priests from serving directly women. The early Jesuit colleges were male-only establishments. Provision for the instruction of young women came from a number of sources, especially from the Ursuline Sisters founded in 1535 by St. Angela Merici (1475–1540). For further information, see Bedouelle, *Reform*, 120–22.

⁹⁰ *Concordia*, quaest. 14, art. 13, disp. 25, ed. Rabeneck, 162. Even in the 20th century, authors returned to Molina's pedagogical metaphor to explain his position. See Reginald Garrigou-Lagrange, OP, *Grace: Commentary on the Summa Theologica of St. Thomas*, trans. Dominican Nuns (St. Louis, Mo.: 1952), 163: "But cooperative actual grace, according to

Molina does not address is the question of how God can act only partially, as if he were a created, categorical cause.

Because Molina eschews any conception of a caused liberty, the Molinist God is forced to become a partner with the human creature he created.⁹¹ The invitation to become a partner with God can easily mislead the enthusiast. Truth to tell, partnership with the divine in the production of good works is a prospect that carries not a few hidden dangers. One question that poses itself: is it theologically valid to posit such a partnership between God and man? How can one conceive a parallel cooperation between a created cause and an uncreated cause? To undertake to reply to this question would lead one to a full-scale discussion of the Molinist system and to evaluate its conformity to divine truth. Throughout the first half of the 17th century, the popes placed limits on these discussions and especially disapproved of acrimonious disputes between Dominicans and Jesuits.⁹²

It remains nonetheless licit to observe that Molina envisages the Christian life as a journey during which the burden of actualizing the divine efficacious grace for doing good is something that falls under the responsibility of the individual Christian. Molina is one of those theologians who, as Thomas Gilby puts it, "in order to safeguard human freedom, allow a phase, though minuscule and momentary, in which the human will takes the initiative, or at least is foreseen to do so, and co-operates with the help supplied by God."⁹³ In other words, something is expected of the creature in order to convert the neutral character of the divine concurrence in any given act of human freedom. "God's grace and general concurrence," explains one philosopher, "are intrinsically neither efficacious nor inefficacious. Rather, they are intrinsically 'neutral' and are rendered efficacious or inefficacious 'extrinsically' by the human agent's

Molina, produces, by moral impulsion, a free choice, with simultaneous concurrence, in such a way that man is determined by himself alone. Thus man and God seem to be rather two causes acting coordinately, *like two men rowing a boat*, than two causes of which one is subordinate, acting under the impulsion of the superior cause" (emphasis added).

⁹¹ Speaking of the *scientia media*, Smith, *Freedom*, 222, observes: "Future choice, which is caused by God who effects the hypothesis, comes from futurible choice, which has no efficient cause not itself."

⁹² See Pope Paul V, "Formula pro finiendis disputationibus de auxillis ad Praepositos Generales O. Pr. et S. I. missa, 5. Sept. 1607" with Introduction in Denzinger-Schönmetzer (1963), 443.

⁹³ Gilby, *God's Will*, 104.

free consent or lack thereof.”⁹⁴ Herein lies a key difference on which one may legitimately remark between Molina and Aquinas for whom God stands as the complete cause of all *esse* and *agere*.

The spirituality of freedom that Aquinas imbibed from his Dominican life is difficult to reconcile with what Molina’s exposition requires of the free agent. As one astute observer explains:

With one stroke human agency is thus placed outside of divine causality, providence, and eternal and natural law. As St Thomas teaches in the *Summa theologiae*, prima pars, q. 103, article 5, Providence extends only so far as power. Hence if a creature of God possesses a liberty of indifference with respect to divine causality, this can only render the creature to be outside of the divine power and so outside of Providence and indeed therefore outside of eternal law—and, in a sense, even outside being insofar as being is the proper effect of God.⁹⁵

The foundational texts for the spirituality that Aquinas’s view of human freedom informs are found in the treatise on grace of the *Summa theologiae*. There, Aquinas begins his discussion about the need for grace by discussing the basic need of any creature to be moved by God: “however perfect a physical or spiritual nature is taken to be, it cannot proceed to actualize itself unless it is moved by God.”⁹⁶ This divine motion accords with the order of divine providence, not with a natural necessity such as the ancients ascribed to the heavenly bodies. The motion extends not only to perfection of the form of a being but also according to the activity that flows from the specific form. The divine movement not only stands behind the intellect but also behind our thinking, behind the will and also behind our willing. Otherwise we would encounter motion without a cause. This condition is verified only in the Uncaused Cause who is God.

The celebrated Thomist commentator, Norbert del Prado, expounds on the difficulty that the Molinist conception of self-actualized freedom causes for the Christian life. In his 1907 three-volume work, *De gratia et libero arbitrio*, Del Prado observes: “Molina departs from the ways of St. Thomas in the explanation of the nature of divine grace, operative and cooperative, and refuses to admit that the grace of God alone transforms

⁹⁴ Alfred J. Freddosso, “Molina, Luis de,” in *Routledge Encyclopedia of Philosophy*, vol. 6, ed. Edward Craig (London: 1998), 463.

⁹⁵ Long, “Perfect Storm,” Typescript, 14. The following paragraphs recapitulate the remarkably perceptive and pellucidly terse analysis that Dr. Long gives in this treatment of the origins of modern secularism. For background, see his *Natura Pura: On the Recovery of Nature in the Doctrine of Grace* (New York: 2010).

⁹⁶ *Summa theologiae* 1a–2ae, q. 109, art. 1, ed. Blackfriars, vol. 30 (New York: 1972), 71.

the wills of men or that only God opens the heart.”⁹⁷ This tenet Del Prado holds correctly to constitute the heart of the Thomist appropriation of St. Augustine’s basic intuition about the gratuitous character of the divine gift of justification. “Consequently, whether Molina will have it or not,” continues Del Prado, “although it is God who stands at the gate and knocks, it is man who begins to open and man alone who, in fact, does open it . . .”⁹⁸ The reference here is to the biblical text, “Behold, I stand at the door and knock. If anyone hears my voice and opens the door, [then] I will enter his house and dine with him, and he with me” (Rev. 3:20). The citation is one of many biblical passages that theologians employed to set out their arguments on the divine *concursus*, a term that etymologically favors a view of collaborative causality in which God and the creature contribute absolute percentages of *agere* to the production of a meritorious human action. “Hence,” concludes Del Prado, “the beginning of consent, for Molina, resides in man, who alone determines himself to will, whereas God, who stands at the gate knocking, awaits his will.”⁹⁹ Del Prado observed the Dominican pattern of life.

It is at this juncture that the most problematic feature of Molina as reader and interpreter of Aquinas emerges: “There are two difficulties, it seems to me,” acknowledges Molina, “in the teaching of St. Thomas (1a, q. 105, a. 5); the first is that I do not see what can be that impulse and its application to secondary causes, by which God moves and applies them to act . . . Wherefore I confess frankly that it is very difficult for me to understand this impulsion and application which St. Thomas requires in secondary causes.”¹⁰⁰ Not to understand these movements of God toward the creature results in missing the genius of Aquinas’s legacy and of the classical spiritual instruction that governed Christian life from its earliest moments. One perspicacious commentator captures the implications of this departure from the thought of Aquinas when he explicates the teaching of Aquinas that Molina admits not to understand:

All finite being and operation lie within the zone of the divine effect—being—and so God actually brings it about that this act performed by me is performed by me, and performed in the mode of freedom, by moving

⁹⁷ Norbert del Prado, *De Gratia et Libero Arbitrio; in qua Explanantur Sex Quaestiones de Gratia Dei ex D. Thomae Summa Theologica*, vol. 1 (Fribourg: 1907), 226.

⁹⁸ Del Prado, *De Gratia et Libero*, vol. 1, 226.

⁹⁹ *Ibid.*

¹⁰⁰ Molina, *Concordia*, quaest. 14, art. 13, disp. 26, ed. Rabeneck, 164–65: “Primum est quod non videam, quidnam sit motus ille et applicatio in causis secundis qua Deus illas ad agendum moveat et applicet . . . Quare ingenue fateor mihi valde difficilem esse ad intelligendum motionem et applicationem hanc quam D. Thomas in causis secundis exigit.”

me from potency to act with respect to the very act of my own free self-determination. The stress on potency and act preserves this teaching from occasionalism, making clear that it is the human will that performs the act of willing, and so preserving secondary causality.¹⁰¹

What characterizes Aquinas's teaching on human freedom appears in the confident assertion that the divine omnipotence poses no threat to the full exercise of human freedom within its own created order of natural activity. God acts fully as God, while man acts freely and fully as man. Aquinas not only taught a spiritual doctrine that ascribed to God a full exercise of the divine *esse*, which is identical with the divine *agere*, but also allowed the human creature the full expression of creature freedom all the while respecting the divine transcendence. To postulate a created indifference to divine causality, no matter how briefly this moment endures, results in the invention of a finite God who is really related to his effects rather than infinitely perfect and independent. One is left with a God who is not the first and transcendent cause of every being, act, and formal perfection.

One problem for the Christian spiritual life becomes evident. How does one pray to such a God? For what does one pray? Perhaps even, why should one pray? Why should not the free Christian, like Molina's farmer, soldier, or invalid, concentrate rather on his or her own responsibilities? It has been observed that the great spiritual directors and even the saints of the 17th and 18th centuries who, for whatever reason, may have been instructed in the theoretical construction of grace and freedom that Molina postulated still prayed and urged others to pray as if everything depends on God. One of them, St. Alphonsus Liguori (1696–1787), sums up this common sentiment: "Those who pray are certainly saved; those who do not pray are certainly damned."¹⁰² It is difficult to imagine what the prayer of an unreconstructed Molinist would sound like.¹⁰³

We are left to inquire about the compatibility of Molina's doctrine on human freedom with Catholic and divine faith, with the teaching of Aquinas, and with sound philosophical and theological opinion as practiced within Catholic schools.

¹⁰¹ Long, "Perfect Storm," Typescript, 14.

¹⁰² St. Alphonsus Liguori, *Del gran mezzo della preghiera* as cited in the *Catechism of the Catholic Church* (Rome: 1997), no. 2744.

¹⁰³ For discussion of this point, see Patrick Toner, "The Prayer of the Molinist," *The Heythrop Journal* 49 (2008): 940–47.

CONCLUSION

In the early part of the 20th century, E. Vansteenberghe drew the following conclusions about the place that Molina holds in the constellation of Catholic and Thomist theologians and philosophers. He replies to three questions: (1) Does Molina fall outside of Catholic orthodoxy? Reply: Given that the teaching of Molina and the Molinists on the divine *concursus* has been, on Vansteenberghe's account, debated and examined as no other theological doctrine in the history of the church, it cannot be supposed that, after three centuries of debate, Molinist doctrine still would remain liable for a magisterial condemnation. (2) Is Molina a Thomist? Reply: Although opinions on this matter remain sharply divided, the pertinent remarks of the Roman magisterium stipulate that both Dominican Thomists and Jesuit Thomists are free to consider themselves reliable interpreters of the Common Doctor. (The papal prohibition does not, however, prohibit placing Molina among the "Eclectic Thomists.") (3) Does Molina make sense? Reply: Since Molina and his teaching continue to be expounded and examined by respected theologians and philosophers, it is difficult to deny that Molinist theses merit consideration. This *Companion* confirms that this last evaluation that Vansteenberghe made in the 1920s holds good today.

Since the aforementioned evaluations were made almost a century ago, it seems to me that two further remarks are required to render a complete response to the question, "What is a fair evaluation of Molina's use of Aquinas's *corpus* of writings?" The first is the aforementioned designation of an eclectic Thomist. As I have said, James A. Weisheipl, OP, developed this distinction to take account of those Thomists who depart from the philosophical principles that Aquinas has made characteristic of his theological project. It is difficult to argue that Molina does not conceive of the God-man causal relationship differently than Aquinas. Molina's "partial causes," whether of God or man, remain difficult to reconcile with Aquinas's fully actualized subordinated causes. In general, the Dominican Thomists would argue, at times forcefully, that this difference between Aquinas and Molina constitutes a true disagreement, especially as it touches on the controversial question of the metaphysics of freedom. On the other hand, Jesuit Thomists, though not all of them, would describe this difference between Molina and the teaching of Aquinas as a legitimate example of development and commentary.¹⁰⁴ These Molinist

¹⁰⁴ One example of Jesuit disagreement with Molina comes from W. Norris Clarke, SJ (1915–2008): "One of the things that people have been begging me to write on . . . was this

authors by and large tend to interpret Molina's further enlargement on questions that Aquinas addressed as an inescapable exercise required by the historical development of theology. In any case, it is fair to conclude that the majority consensus agrees that Molina creates a class of Thomists all his own.

The second observation follows the issuance in 1993 of the Encyclical Letter, *Veritatis splendor*. Pope John Paul II acknowledged that this papal document marks the first intervention of the magisterium into the field of fundamental moral theology, that is, the general principles of moral theory. One principle the encyclical examines is human freedom: "The human issues most frequently debated and differently resolved in contemporary moral reflection are all closely related, albeit in various ways, to a crucial issue: human freedom."¹⁰⁵ Throughout the encyclical, the pope expresses his conviction that the solution to the moral dilemmas that threaten the good of the human person rests on restoring in moral agents a conviction about the inseparable connection between truth and freedom. In one place toward the end of the encyclical, Pope John Paul

doctrine in the natural theology of what used to be called Molinism, God's knowledge, so called, of the futurables—middle knowledge where God would have to know all that you would have done, whatever you would have done if you had been put in the circumstance, and you may never be put in that. All that you would have done had God created the world this way, or allowed this to happen—all the things that you would have done, what would have happened, and then God said, no, we don't want that world. But that kind of knowledge of God which was held by the Jesuits, Molinism, against the Dominican Bañez, because of his tendency towards too much predetermination. It was brilliant logically, but a good Thomistic metaphysician, an existential Thomist would look at that middle knowledge as a metaphysical monster. And it is coming back again through Alvin Plantinga, the Calvinist theologian philosopher, being picked up by Catholics again in Notre Dame, so-called middle knowledge. And I think it is a metaphysical monster and a serious misunderstanding for the simple reason that what you are asking is that God would see what a non-existent will, a decision that a non-existent will would make. But a decision is an existential something. A non-existent will can't make any decisions. If it is true that you would have done this, therefore God must know it—St. Thomas would have said that there is no truth yet unless there is being to support it, so I think that is a real metaphysical monster. And it is coming back again as being a brilliant solution to various things. I don't think it is a solution, at all, so I would like to write on that, risking losing some friends, certainly Alvin Plantinga and in Notre Dame even some of the Catholic philosophers there, reprinting Molina's book and all that. We used to have to teach that as Jesuits. I refused to do it when I was put in." For reference, see "A Creative Retrieval of Thomism: Another Visit with W. Norris Clarke, S.J.," at <http://www.innerexplorations.com/catchmeta/a1.htm>

¹⁰⁵ *Veritatis splendor*, no. 31. For further information on the theological significance of this teaching on human freedom, see my "The Light of Tabor: Christian Personalism and Adoptive Friendship," *Nova et Vetera*, English Edition, 2 (2004): 237–47.

II mentions the basis in God for this “inseparable connection.” He says: “Consequently, the inseparable connection between truth and freedom—which expresses the essential bond between God’s wisdom and will—is extremely significant for the life of persons . . .”¹⁰⁶ It would be interesting to know how Luis de Molina would have reacted to what is taught about human freedom in this 1993 papal encyclical.¹⁰⁷

¹⁰⁶ *Veritatis splendor*, no. 99.

¹⁰⁷ I gratefully acknowledge the research assistance for this chapter provided by Cajetan Cuddy, OP. Thanks also to Father John McIntyre, SJ, of Boston College and Rev. Monsignor Laurence McGrath of the Archdiocese of Boston who read and commented on the draft version.

MOLINA AND JOHN DUNS SCOTUS

Jean-Pascal Anfray

The influence of John Duns Scotus (1265/6–1308) on late medieval and early modern philosophy and theology can hardly be overlooked. The Subtle Doctor's concepts and doctrines set the shape of much of the discussions of the time, on the nature and subject of metaphysics, on the freedom of the will, and on the principles of morality. More precisely, Scotus's definition of being qua being as that to which being is not repugnant (*cui non repugnat esse*),¹ and as a possible being, left a twofold legacy to later philosophy: on the one hand, his conception of metaphysics as a transcendental science of the univocal concept of being, and on the other hand the centrality of the notion of freedom, whose first manifestation is the contingency of the world order. During the Renaissance and early modern period, those who would qualify as Scotists were so many that the Cistercian Juan Caramuel Lobkowitz could claim that *Scoti schola numerosior est aliis simul sumptis* (the school of Scotus counts more than all the other schools taken together).² Not only was the institutional authority of Scotus uncontroversial but his thought also exercised a more diffused influence. Jesuit philosophy and theology was undoubtedly the main channel of diffusion for Scotus's thought in the early modern era, and this, despite the fact that the *ratio studiorum* of the order (1586–99) made the study of Thomas Aquinas's doctrine the basis of their theological teaching.³ Especially well known is the importance of the Scotist

¹ See John Duns Scotus, *Quodl.* q. 3, n. 2, ed. L. Wadding (Lyon: 1639), XII, 67; trans. F. Alluntis and A. Wolter, *God and Creatures: The Quodlibetal Questions* (Princeton: 1975), 61. Honnefelder, *Duns Scotus* (Munich: 2005) clearly states the twofold motivation that underlies Scotus's thought. On Scotus's metaphysics, see L. Honnefelder, *Scientia transcendens: Die formale Bestimmtheit der Seiendheit und Realität in der Metaphysik des Mittelalters und der Neuzeit* (Duns Scotus, Suárez, Wolff, Kant, Peirce) (Hamburg: 1990).

² *Theologia intentionalis* (Lyon: 1664), I.II, c. 3, disp. 10, n. 1264, 273. Quoted in J. Schmutz, "L'héritage des Subtils: Cartographie du scotisme du XVII^e siècle," *Les Etudes philosophiques* (2002/1): 51–81, at 53.

³ For a historical justification of this claim, see J. Schmutz, "L'héritage des Subtils," 69ff. On teaching in general among the Jesuits, see L. Giard (ed.), *Les jésuites à la Renaissance: Système éducatif et production du savoir* (Paris: 1995).

concept of the subject of metaphysics as the univocal *ens inquantum ens* in Francisco Suárez's (1548–1617) *Disputationes metaphysicae*.⁴

Molina is no exception to this. He is admittedly one of "Scotus's intellectual descendants."⁵ However, the impact of Scotus on the latter is more limited in scope and more problematic than with some of his famous fellow Jesuits, like Suárez and Gabriel Vázquez (1549–1604). Indeed, Molina's intellectual production (at least in its extant state) ranges over fewer topics than that of the *Doctor eximius*. In particular, the nature of the object of metaphysics and the discussion of eternal truths and divine ideas do not figure among Molina's chief preoccupations. In contrast to this, and somewhat unsurprisingly in the context of post-Tridentine theology, the discussion of the nature of free will and its reconciliation with God's foreknowledge, providence, and predestination is where Scotus's influence on Molina proves most important.⁶ The controversies *de auxiliis* that arose in reaction to Molina's teachings on grace and predestination in the *Concordia* provide evidence of an (at least tactical) proximity between the Jesuits and the Franciscans against the Dominicans.⁷ There are thus historical affinities between official Scotists and Molinists. But in this chapter I will try to give a philosophical assessment of the relation between Scotus and Molina. Here, the notion of influence should be understood

⁴ See Honnefelder, *Scientia transcendens*. Scotus's account of broadly logical modality (*possible logicum*) constitutes the background of all 17th-century discussion about the divine foundation of modality and the source of eternal truths and about the nature of possible beings. See T. Hoffmann, *Creatura intellecta: Die Ideen und Possibilia bei Duns Scotus mit Ausblick auf Franz von Mayronis, Poncius und Mastrius* (BGPTM, NF) 60 (Münster: 2002); J. Coombs, "The Ontological Source of Logical Possibility in Catholic Second Scholasticism," in *The Medieval Heritage in Early Modern Metaphysics and Modal Theory, 1400–1700*, ed. R. Friedman and L. Nielsen (Dordrecht: 2003), 191–229; J. Schmutz, "La querelle des possibles. Recherches philosophiques et textuelles sur la métaphysique jésuite, 1540–1767" (Doctoral Diss., EPHE-ULB: 2003).

⁵ The phrase is borrowed from D.C. Langston, *God's Willing Knowledge: The Influence of Scotus' Analysis of Omniscience* (University Park: 1986), at 53. There are not so many studies explicitly devoted to the question of Molina's relation to Scotus. E. Dekker is an exception; see his two papers "The Reception of Scotus' Theory of Contingency in Molina and Suarez," in *Via Scoti. Methodologica ad mentem Ioannis Duns Scoti*, ed. L. Sileo (Rome: 1995), 445–54 and "Does Scotus Need Molina? On Divine Foreknowledge and Co-Causality," in *John Duns Scotus, Renewal of Philosophy*, ed. E.P. Bos (Atlanta: 1998), 101–11.

⁶ Some of Scotus's meta-ethical doctrines on the foundation of natural law do play a role in Molina's other master work, the *De iustitia et iure*, but for lack of space, we shall not treat it here. See I. Mandrella, *Das Isaak-Opfer: historisch-systematische Untersuchung zu Rationalität und Wandelbarkeit des Naturrechts in der mittelalterlichen Lehre vom natürlichen Gesetz* (BGPTM NF) 62 (Münster: 2002), on the problem of divine dispensation of natural law for which Isaac's sacrifice is the case study.

⁷ See J. Schmutz, "L'héritage des subtils," 68.

so as to include the conceptual frameworks, the explicit theses, and the more general (and less easily discernible) philosophical outlooks which display either a positive or a negative impact of Scotus on Molina.⁸ In what follows, I will try to diagnose such an influence on two specific and closely related topics: the metaphysics of free will and the problem of divine foreknowledge.⁹ The first part of this study provides a sketch of Scotus's theory (sections 1 to 7). In the second part (sections 8 to 13), the results of the first are confronted to Molina's criticisms and to his own doctrines. Finally, I will end this conclusion by retrospectively showing how Scotus could be interpreted as reconciling God's foreknowledge and human freedom in a way consistent with Molinism (section 14).

I. SCOTUS ON THE WILL

The idea of free will is absolutely central in order to understand Scotus's thought. According to him, the will is essentially a rational power, which means that it is not determined to a single effect, but instead it is a power of self-determination. The phrase "rational power" is taken from Book IX of Aristotle's *Metaphysics* (1046b4–6), where they are opposed to irrational powers, whose characteristic feature is that they are determined to a single effect. For instance, given appropriate circumstances (dryness of the atmosphere, etc.), fire burns wood. On the other hand a rational power is such that, given the same set of circumstances it can either produce a given effect or not produce it. But Scotus deeply transforms Aristotle's idea. Indeed, according to him, the purely cognitive faculties of

⁸ The purely historical question of Molina's exact knowledge of Scotus is not addressed here. From the explicit quotations, it appears that Molina knew and read the *Ordinatio*, especially Book I, dist. 38–39. I will refer to the Vatican edition: Ioannes Duns Scotus, *Opera omnia, studio et cura Commissionis Scotisticae ad fidem codicum edita* (Vatican City: 1950–), referred to as Vat., followed by volume and page number. Whether Molina knew the *Quodlibetal Questions* and the commentaries on Aristotle, and in particular the *Questions on Metaphysics*, is more dubious. The *Lectura* was unknown until its rediscovery by C. Balic in the 1920s. For this reason, I will mostly refer to the *Ordinatio*.

⁹ By a metaphysic of freedom, I mean the study of the metaphysical conditions necessary to ascribe freedom to a voluntary agent, setting aside the psychological considerations that any agent must satisfy in order to be endowed with a will. Scotus's considerations on free will are not restricted to the purely metaphysical notion of a power of self-determination, but also involve a moral psychological and a specifically ethical perspective; see the texts in Part II of A. Wolter, *Duns Scotus on the Will and Morality* (1st ed. 1986; Washington: 1997). However Molina's own conceptions in moral psychology are too scattered and cursory to provide a sufficiently rich comparison point with Scotus.

mind, including the intellect, are irrational in this sense, and are accordingly natural powers (*potentiae naturales*).¹⁰ The will is the only rational power; it is not subject to causal determinism, and is the only cause of its decisions.¹¹ This involves a departure from the Aristotelian principle according to which every moving thing is moved by something else (*omne quod movetur ab alio movetur*).¹² Within the Aristotelian scheme, only passive potencies (what would be called liabilities), which are unable to actualize by themselves a single effect, are undetermined: a given piece of bronze might be shaped as a statue or as a bowl. But according to Scotus, far from betraying an imperfection, the will's indetermination is the hallmark of its excellency, or what Scotus calls a "superabundant sufficiency."¹³ That such a rational power escapes causal determinism but introduces "fresh starts" in the causal order of the world is clearly stated by Scotus: "I say that it is able to do what it does with no conceivable predetermination to act, so that the initial determination, both in the order of nature and in the order of time, occurs in the very placing of its act" (*Questions on Metaphysics*, IX, q. 15, n. 66, 000, *Will and Morality*, 148). Or more briefly: "there is no other cause [of the will's willing something rather than something else] to be found except that the will is will" (*ibid.*, n. 29, *Will and Morality*, 140). Free will is incompatible with causal determinism.

The existence of such a power of self-determination, and thus of a will, is an intuitive truth, something anyone can experience.¹⁴ Hence creatures like human beings enjoy free will. But the idea that the will "could have

¹⁰ *Questions on Metaphysics*, IX, q. 15, n. 20–41 (*Opera philosophica* vol. III and IV) (New York: 1997), IV, 680–86. There is a clear and useful account of the issues discussed in this paragraph in M.B. Ingham and M. Dreyer, *The Philosophical Vision of John Duns Scotus: An Introduction* (Washington: 2004) and T. Hoffmann, "The Distinction between Nature and Will in Duns Scotus," *Archives d'Histoire Doctrinale et Littéraire* 66 (1999): 189–224.

¹¹ There is disagreement in Scotus scholarship on the respective role of will and intellect in the formation of a volition. Some texts say that intellect and will function as partial co-causes of the volition (see *Lectura* II, d. 25, q. un., n. 73, Vat. XIX, 254), while other passages ascribe to the cognitive representation only the role of a *causa sine qua non*, leaving the will as the total cause of the volition (*Rep.* II, d. 25, n. 22, ed. L. Wadding [Lyon: 1639], VI, 888). Interpreters disagree over whether these textual differences express a change of opinion (toward a more radical voluntarism) or not, and if the answer to the first question is affirmative, whether the second position represents a later stage of Scotus's thought. For a recent, clear statement of the issue, see Ingham and Dreyer, *The Philosophical Vision of John Duns Scotus*, 162–72.

¹² See Scotus's discussion in *Questions on Metaphysics*, IX, q. 14, OP IV, 626–73.

¹³ *Questions on Metaphysics*, IX, q. 15, n. 31, OP II, 611, *Will and Morality*, 140: "est et alia superabundantis sufficientiae, quae est ex illimitatione actualitatis, vel simpliciter vel quodammodo."

¹⁴ *Questions on Metaphysics*, IX, q. 15, n. 30, OP II, 610.

acted otherwise" needs some clarification. Scotus distinguishes various senses under which one can be said to be able to will the opposite. First, one may be such that she can have contrary volitions related to the same object, like loving something, and later hating it. But the will can also will different objects: someone who wants to drink may also want to eat. The first is a power for contrary acts, the second is a freedom for different objects. Only the latter is essential for freedom, and is found both in God and in creatures, because the former supposes some form of mutability, which cannot be found in God.¹⁵ Scotus sets the same distinction in terms of the difference between not willing (*non velle*) and willing that not (*nolle*). Thus if I hate something, in some way I refuse it, which Scotus describes as an act of nolition (*nolle*). But if I freely want to *A*, all I need in order to be free, is to be able not to will *A*.

There is another crucial distinction concerning the power to act otherwise. It can signify either a manifest power to will different acts and/or objects successively, or what Scotus calls a "not so evident power": the power not to will something at the very instant that one wills something, and vice versa.¹⁶ The first power is evident: if I swim at some time, I am able to swim even if I am now in the middle of the desert, provided one indexes the object of the power (i.e. swimming) to a later time than now. But in order to be free to swim, I should have the power to swim now, which I clearly lack.¹⁷ Similarly, for my will to be free, I must have the power now to refrain from willing what I will. This is a clear consequence of Scotus's claim that free will is incompatible with natural necessity.¹⁸ Natural powers are such that if their causal requisites are present, there is no power at time *T* for the opposite effect. By contrast, the will as a rational power has simultaneously the power to will the opposite or not to will anything at all. However, Scotus does not defend his position via this line of argumentation but instead uses the thought experiment of an angel existing for a single instant of time. This thought experiment allows

¹⁵ *Ord.* I, d. 38, p. 2–d.39, q. 1–5 (= I, d.39), n. 15, Vat. VI, 417; n. 21, Vat. VI, 425–26.

¹⁶ *Ord.* I, d. 39, n. 16, Vat VI, 417–18; *Questions on Metaphysics*, IX, q. 15, n. 65, OP IV, 696, *Will and Morality*, 148.

¹⁷ The double time indexing of powers to φ is essential to see how D. Langston is misled when he thinks that powers for Scotus are just abilities, not necessarily including opportunities. Having the power at *T* to φ at some time or another is enough for a mere ability. But when Scotus claims that freedom of action and/or will requires the power at *T* to φ at *T*, this entails that one has the power to φ given the circumstances, which requires that one has the opportunity to exercise the power.

¹⁸ *Ord.* I, d. 1, p. 2, q. 2, n. 80, Vat. II, 60 : "Necessitas naturalis non stat cum libertate."

Scotus to disprove any theory that grounds the contingency of an act at *T* on what happens at any earlier time. Suppose an angel elicits a sinful act. Since sinning requires freedom of the will, this entails that at this very instant, the angel must be able to avoid sinning at this very moment.

II. TIME AND MODALITY

The idea of a simultaneous power to will otherwise is only one aspect of a new modal framework which marks a clear departure from older modal paradigms, as Scotus scholars have largely insisted upon. The central feature of Scotus's new model is the theory of synchronic contingency. He developed his thought largely in reaction to a form of determinism held by those whom he names the "Philosophers," who promoted a broadly Aristotelian account of modality.¹⁹ A common feature of these thinkers was their adherence to a version of the Principle of Plenitude (i.e. no genuine possibility remains unactualized), which entails that whatever is eternal and/or immutable is (absolutely) necessary. One line of argument which could lead to this was their strict notion that actualization of any potentiality implies a process of change. The theory entails the necessity of the present, expressed by the Aristotelian dictum *omne quod est, necesse est esse quando est* (everything necessarily is, when it is, *De interpretatione* 19a23–27) which is then understood, not as an innocuous conditional necessity, but as a *necessitas consequentis*: "If *A* occurs at *T*, then it is necessary (from *T* on) that *A* occurs at *T*."

Since any genuine possible state of affairs requires that some actual potency be able to bring it about, it follows that if some potency is immutable, then whatever results from it, necessarily does so. Therefore, if God is eternal and immutable, then whatever he produces is necessary. As a consequence, contingency is just the result of the impedibility of causal chains relating the finite beings, which comes from the essential imperfection of secondary causes.

¹⁹ *Ord.* I, d. 8, p. 2, q. un, n. 251–55, Vat. IV, 294–97. On Scotus's new theory of synchronic contingency and its impact on the whole modal theory, see S. Knuuttila, "Time and Modality in Scholasticism," in *Reforging the Great Chain of Being*, ed. S. Knuuttila and J. Hintikka (Dordrecht: 1981), 163–257; Knuuttila, *Modalities in Medieval Philosophy* (London: 1993); A. Vos et al., *John Duns Scotus: Contingency and Freedom. Lectura I 39* (Dordrecht: 1994); S. Dumont, "The Origin of Scotus's Theory of Synchronic Contingency," *The Modern Schoolman* 72 (1995): 149–67; C. Normore, "Duns Scotus's Modal Theory," in *The Cambridge Companion to Scotus*, ed. Th. Williams (Cambridge, Eng.: 2003), 129–60.

According to Scotus, the latter position is incoherent, for either there is contingency within finites things, and so their first cause has to be contingent, or God's productive action is necessary, and so are its effects.²⁰ The background principle of Scotus's first argument is that necessity is a hereditary property: if *E* is a necessary effect and *E* is a cause of *E'*, then *E'* is necessary too.²¹ The contingency of God's causation (which proves according to Scotus that he has a will) is a necessary condition of the existence of contingent effects within the world. Scotus adds two arguments to this one. The first is based on the superiority of the first cause with respect to any caused event, and the other on the principle that the first cause is able to produce alone any effect produced by secondary causes.²² Any state of affairs that is contingent with respect to secondary causes does not cease to be so if it is directly brought about by the first cause.

Since the contingency of our world is a matter of fact, and this cannot consistently be denied, it follows that determinism is false.²³ Moreover, since God acts through his will, and every will is essentially free, it follows that every created effect is contingent and there is no absolute, but only relative necessity in the realm of existing things other than God himself.²⁴ Contingency is therefore absolutely universal on the one hand and, on the other, it has its root within God's will: "the divine will is the first ground (*prima ratio*) of contingency" (*Rep.* I A, d. 39–40, q. 1–3, n. 35, ed. Söder, 248). This does not preclude that there might be other sources of contingency, namely the created wills.²⁵

²⁰ *Ord.* I, d. 2, q. 1–2, n. 80–81.

²¹ *Ord.* I, d. 39, n. 12, Vat. VI, 412: "causa movens... si necessario movetur necessario movet."

²² *Ord.* I, d. 39, n. 12, Vat. VI, 413: "causa prior prius naturaliter respicit effectum suum quam causa posterior"; *ibid.*: "quidquid producitur a causis posterioribus, posset immediate produci a prima." Cf. *Ord.* I, d. 8, n. 287, Vat. IV, 315.

²³ In a famous example, he claims that whoever denies it should be tortured, until he acknowledges that it is possible for him not to be tortured. See *Reportatio* IA, d. 39–40, n. 30, ed. in J. Söder, *Kontingenzen, und Wissen* (BGPTM, NF) 49 (Münster: 1999), 247.

²⁴ *Ord.* I, d. 39, n. 22, Vat. VI, 427: "ad quodlibet ergo aliud [ab essentia sua] contingenter se habet, ita quod posset esse oppositi." For the relative necessity and absolute contingency of natural events, see *Rep.* I A, d. 39–40, q. 1–3, n. 38, Söder, 249.

²⁵ Scotus's argumentation at *Ord.* I, d. 39, n. 14, Vat. VI, 416 relies on the possibility of understanding the divine will as a source of contingency on the basis of an understanding of our own created will. This presupposes that the latter are also (limited) sources of contingency. Scotus is even more explicit in *Rep.* I A, d. 39–40, q. 1–3, n. 36, ed. Söder, 249: "actus voluntatis meae habet duplicem causam contingentiae, unam ex parte voluntatis divinae sicut causae primae et aliam ex voluntate mea ut ex secunda causa."

But this contingency can be reconciled with God's immutability only if one abandons the model of modality that goes along with the cosmology criticized by Scotus. In particular, he gives up the necessity of the Present.²⁶ This is clearly expressed in the following definition of contingency: "I do not call contingent any non-necessary or non-permanent state of affairs, but a state of affairs whose opposite could occur while it occurs" (*Ord.* I, d. 2, p. 1, q. 1–2 n. 86, *Vat.* II, 179). The theory of synchronic contingency cannot be separated from the redefinition of possibility in terms of logical possibility (*potentia logica*). Some state of affairs is possible in this sense if and only if its constitutive elements are nonrepugnant. However, this is never mere logical possibility, since every logical power is actually matched by a real power. And Scotus claims that the will as a real power accompanies the logical possibility of the contrary act.²⁷ The relation of *repugnance* is not as strict as logical contradiction, but is closer to semantic incompatibility. For instance, the predicates "red all over" and "green all over" express repugnant properties, though their combination would not violate any law of logic.²⁸

By defining the will's real power on the basis of the logical possibility of the two preceding states of affairs, it might be thought that Scotus dramatically weakens the "could have willed otherwise" condition for free will, in a way that could be accepted by a compatibilist. Once again, my swimming now is in itself nonrepugnant, and thus constitutes a possible state of affairs. All this can be interpreted as a matter of whether one considers more or less fine-grained states of affairs. If the time index of the action envisaged and the causal requisites are specified, then there is indeed some repugnance. For instance, the state of affairs expressed by the sentence "I am at *T* at a place where none of the conditions required to swim are present and I swim at *T*" would be repugnant, and this entails that it is impossible that I swim on this occasion and that I am not free to do it.²⁹

²⁶ Restricting the latter to mere conditional necessity, and thus reinterpreting the Aristotelian principle in the following way: "Necessarily (if *A* occurs at *T*, then *A* occurs at *T*)."

²⁷ *Ord.* I, d. 39, n. 16, *Vat.* VI, 418: "hanc etiam potentiam realem activam... concomitatur potentia logica, quae est non-repugnantia terminorum. Voluntati enim ut actus primus, non repugnat oppositum velle." See *Questions on Metaphysics*, IX, q. 1–2, n. 18, OP IV, 514.

²⁸ *Lectura* I, d. 2, p. 2, q. 1–4, n. 246.

²⁹ And so Scotus's claims that any real power is matched by a logical possibility should not to be read the other way round as if the mere per se nonrepugnancy of a state of affairs entailed that the agent has a real power. To get a real power, one needs to add an extrinsic compatibility with facts (already existing states of affairs) to the intrinsic nonrepugnancy.

The theory of synchronic contingency must face the charge of violating the law of contradiction. If we suppose that p is true at t and that it is possible at t that p is false at t , then, by supposing the possible actualization of not- p , that would entail that it is possibly true that p is true at t and p is false at t which is contradictory. In order to avoid such a contradiction, Scotus uses the distinction between the composed and the divided sense. The sentence "it is possible that S , not willing A at T , wills A at T " is true *in sensu divisionis* but false *in sensu composito*. The latter amounts to the contradiction: "it is possible that (S wills A at T and that S does not will A at T)." But in the sense of division, it means that " S does not will A at T and it is possible at T that S wills A at T " which is not contradictory, provided one gives up belief in the necessity of the present, and true, since " S wills that A at T " is nonrepugnant.³⁰ But Scotus goes further and distinguishes an order within the momentary existence of the angel during which he commits a sin. Being free, the sinning angel is able to refrain from sinning at T . However, his act occurs and thus becomes a matter of fact. From the point of view of the agent, the volition is contingent, because he has both the power to sin and the power not to sin.³¹ From the point of view of the volition, it either occurs or not. These two aspects are ordered according to an order of conceptual priority (*natura prius*) within a single instant. The will, insofar as it is considered as a power for opposites, is naturally prior to its exercising this power one way or the other (Vat. VI, 418). The true proposition corresponding to the divided sense of the sentence thus refers to two distinct instants of nature. As C. Normore summarizes: "the prior is that in which the angel has both the power to love God and the power to hate God, and the posterior is that in which the angel has actualized the power to love God."³² In a similar way, though God's will is absolutely immutable, he wills contingently his objects, so that while he decides to create A he could at the same time decide to create something else.³³

Scotus sometimes calls the corresponding kind of necessity *necessitas inevitabilitatis*. See *Rep. I A*, d. 39–40, q. 1–3, n. 27, ed. Söder, 246.

³⁰ See *Ord. I*, d. 39, n. 17, Vat. VI, 419–20.

³¹ Rational powers are thus endowed with two powers for contrary effects. The angel does not have the contradictory power of sinning and not sinning at the same time, but two distinct powers.

³² C. Normore "Duns Scotus's Modal Theory," 135. See also J. Schmutz, "Du péché de l'ange à la liberté d'indifférence: Les sources angélogiques de l'anthropologie moderne," *Les Etudes Philosophiques* (2002): 169–98 for uses of the same thought experiment during the early modern period.

³³ *Ord. I*, d. 39, n. 22, Vat. VI, 427.

Abandoning the necessity of the present has important consequences concerning the relationship between time and modality. Though the present is ontologically determinate, it is nevertheless contingent, so that logical determination does not entail necessity.³⁴ This undercuts the fatalist inference in *De interpretatione*, Chapter 9, which derives the necessity of future states of affairs from the present truth of the corresponding propositions. Nevertheless, Scotus does not completely separate time and modality. This appears in his reply to the objection that what is past is necessary and unavoidable, so that God's predestination entails that someone who is predestined is unable to sin. Scotus answers by first conceding the necessity of past states of affairs.³⁵ The underlying intuition is the commonsense assumption that there are no backward-looking powers. However, since God exists in an eternal present, none of his acts passes away. Therefore, God's acts are eternally contingent, so that God can bring it about that if someone sins now it will never have been true that he was predestined. But this opens up a possible discrepancy between God's present and ours, or in other words between what is possible for God, and what is possible for us.³⁶ If I was in Rome yesterday, there is nothing I can do now to prevent this from having happened. In contrast, God's eternal present coexists with our past, so that from God's perspective what is possible never becomes impossible. This, in turn, entails a tension over the nature of pastness.

III. SCOTUS ON THE GROUND OF GOD'S KNOWLEDGE OF FUTURE CONTINGENTS

Thus far, we have examined the nature of free will and of contingency, its root in both divine and created will, and how it fits within the modal framework. Now, we are in a position to turn to Scotus's account of God's

³⁴ *Ord.* I, d. 39, n. 26, Vat. VI, 432.

³⁵ *Lectura* I, d. 40, q. un., n. 9, Vat. XVII, 512–13: "Ad primum argumentum quando arguitur quod illud quod transiit in praeteritum est necessarium—concedatur. Et quando arguitur quod 'istum praedestinari' transiit in praeteritum, dicendum quod hoc falsum est: si enim voluntas nostra semper haberet eandem volitionem in eodem instanti immobili, non esset sua volitio praeterita sed semper in actu. Et sic est de volitione divina, quae semper eadem est: unde sicut dictum est, eadem volitione qua vult aliquem praedestinare, potest velle eundem damnari pro eodem instanti aeternitatis. Unde quod dicitur in praeterito, quod Deus praedestinavit, ibi, 'praedestinavit' copulat nunc aeternitatis ut coexistit 'nunc' praeterito."

³⁶ See C. Normore, "Duns Scotus's Modal Theory."

knowledge. There is a preliminary problem concerning the scope of Scotus's inquiry. Traditionally, it is thought that Scotus answers two questions: (1) How does God know future contingents? And (2) is God's knowledge of future events compatible with their contingency? Following E. Dekker, we may call the first the Source question, and the second the Reconciliation question.³⁷ Some recent interpreters deny that Scotus answers the Source question, and claim that he tried only to solve the Reconciliation question. There is some textual support for this view,³⁸ and it has important consequences on the interpretation of Scotus's position as we will see. However, it is difficult not to read some passages as (perhaps incomplete) explanations of how God can be said to have knowledge of what is contingent.³⁹ And, as will appear later, Molina understood Scotus as providing an account of the Source question. This is why I present Scotus's account along the traditional interpretation.

Scotus develops his own account of foreknowledge as an alternative to Aquinas's. The latter tried to explain the compatibility between the certitude of divine foreknowledge and the contingency of its objects by claiming that, though future events, in relation to the "now of time" (*nunc temporis*), are not yet actual and thereby contingent, they are nevertheless present to the now of eternity (*nunc aeternitatis*), and from this point of view their occurrence is determinate and necessary and can be the object of a certain knowledge.⁴⁰ The idea of temporal things coexisting within God's eternity is the core of the theory. Eternity is agreed to be some kind of nonsuccessive duration.⁴¹ What is contentious is the notion of eternal presence. According to Scotus's realist interpretation, God, being eternal, is present to all the moments of time, and hence, to all events, past, present, and future.⁴² This presence implies a form of simultaneity. Therefore things are present in themselves (*in seipsis*) to God, which entails that all

³⁷ See E. Dekker, "Does Scotus Need Molina?"

³⁸ See especially the following passages: *Lectura* I, d. 39, n. 62, Vat. XVII, 500; *Ord.* I, d. 39, n. 22, Vat. VI, 427: "restat videre secundum principale, qualiter cum hoc stat certitudo scientiae" (cf. n. 12, Vat. VI, 413).

³⁹ See *Rep.* I A, d. 38, q. 1–2, n. 11, ed. Söder, 227 and n. 37, 233: "sed quomodo hoc sit [i.e. quod Deus determinate novit alteram partem contradictionis cuiuslibet] respondeo."

⁴⁰ Thomas Aquinas, *Summa contra Gentiles*, I, c. 66–67 and *Summa Theologiae* I, q. 14, a. 13, in corp.

⁴¹ Boethius's definition of eternity is the starting point of those discussions: "aeternitas est interminabilis vitae tota simul et perfecta possessio" (*Consolatio philosophiae*, ed. L. Bieler [Corpus Christianorum Series Latina] 94/1 [Turnhout: 1957], V, pr. 6, l.9–11). See Thomas Aquinas, *SCG* I, c. 66, n. 7; *ST* I, q. 10, a. 4, in corp.

⁴² *Lectura* I, d. 39, n. 23, Vat. XVII, 486.

moments of time somehow exist tenselessly in the now of eternity, as the points on the circumference of a circle are equidistant to its center, which can be represented as God's eternal now.

Scotus's objections are based on a dynamical conception of time, according to which the *fluxus temporis* is an objective feature of existence.⁴³ Suppose one starts with the assumption that God coexists with some event *E*. This means that God is somehow simultaneous with *E* occurring at *T*. Now, if God is present to another event *E'*, occurring at *T'* future relative to *T*, then God is simultaneous with *E'*, and, by the transitivity of simultaneity, *E* and *E'* would be simultaneous too, which destroys their temporal order. Furthermore, *E'* would be real at *T*, and then it would be impossible for God to create it at *T'*. And one could not reply that *E'* is not yet real, though simultaneous with God's eternity, for simultaneity being a real relation requires that its terms really exist.⁴⁴ *Pace* the parallel with the case of immensity, Scotus considers that God's immensity entails that he is present to all existing places, not to possible but nonactual places. Likewise, God's eternity does not entail that nonactual times, like the future, are present to him, only that they will be, when they will be actualized.⁴⁵ Another objection is that if God knew contingent events only because he perceives them somehow when they are present, then his knowledge would be imperfect, and could not ground his providence.⁴⁶ Finally, if mere coexistence were sufficient to ground foreknowledge of the future contingent states of affairs, the angels would naturally foreknow them, which is denied by Aquinas himself.⁴⁷

We may now turn to Scotus's positive account. According to him, God's knowledge contains three moments, or instants of nature. The first stage is God's natural knowledge of all necessary propositions. At this stage, every logical possibility is an object of God's knowledge, which depends only on his intellect. The process is slightly complicated. Consider the terms of

⁴³ See *Rep.* IA, d. 38, n. 28, ed. Söder, 231: "tempus sic fluat quod non habet existentiam post fluxum. Si nihil remaneret nisi punctus, ergo nihil circumferentiae coexistit centro nisi punctus."

⁴⁴ *Ord.* I, d. 39, n. 9, Vat. VI, 409.

⁴⁵ Is the present the only real time, as the circle metaphor suggests (cf. *Lectura* I, d. 39, n. 85, Vat. XVII, 507; *Ord.* I, d. 39, n. 35, Vat. VI, 441), or does Scotus grant reality to the past as well? His remarks on the determination and necessity of the past (cf. *Ord.* I, d. 39, n. 26, Vat. VI, 432) tend to show that past events and states of affairs are somehow real. See N. Lewis, "Space and Time," in *The Cambridge Companion to Scotus*, ed. Th. Williams, 84–85.

⁴⁶ *Ord.* I, d. 39, n. 10, Vat. VI, 411; *Rep.* IA, d. 38, q. 1–2, n. 24, ed. Söder, 230.

⁴⁷ *Ord.* I, d. 39, n. 10, Vat. VI, 411; cf. Thomas Aquinas, *ST* I, q. 57, a. 3, in corp.

the relations of repugnance and compossibility. These are logically simple and are sometimes called by Scotus *notae*. Such *notae* are related to others according to repugnance or compossibility, independently of any power to bring them about.⁴⁸ However, they are not self-subsistent entities, but are the products of God's intellectual activity, which thus endows them with an ontological status, as intelligible beings. But the logical and modal properties of these entities are not constituted by God's intellectual activity. Scotus summarizes this by claiming that the *possibilia* are formally such from themselves (*formaliter ex se*), but "principally" from God (*principiative ab eo*).⁴⁹ All logical, mathematical, and metaphysical truths, in general all necessary truths, are known at precisely the instant when God produces, thinks things, and produces them in an *esse intelligibile*. Moreover, since the relations of compossibility and repugnance are independent from God's intellectual activity, any modal truth is necessarily so. This entails that anything possible is necessarily possible. According to Scotus, all combinations of compatible *notae* are objects of God's knowledge, which he calls also ideas.⁵⁰ Scotus is less explicit on the content of ideas than on their ontological status, but it is likely that an idea is an intellectual representation of any object, either of an individual like "Socrates" or of a common nature like "man" and that it contains everything that can be grasped by God through his intellect alone. An idea would be something like the deductive closure of all necessary truths concerning a given object. For instance, God's intellect produces the *notae* of animality and rationality and these, being intrinsically nonrepugnant, can be combined in a single subject, man. And man can be combined with an individual differentia to produce a possible individual, say "Socrates." The idea of Socrates contains all the properties grounding necessary truths concerning him: that he is a man, that he is a rational animal, and that it

⁴⁸ *Ord.* I, d. 36, q. un., n. 60–61, Vat. VI, 296. On what follows, see C. Normore, "Scotus, Modalities, Instantiations of Nature and the Contingency of the Present," in *John Duns Scotus. Metaphysics and Ethics*, ed. L. Honnefelder, R. Wood, and M. Dreyer (STGM) 53 (Cologne: 1996), 161–74.

⁴⁹ See *Ord.* I, d. 43, n. 18, Vat. VI, 369.

⁵⁰ *Ord.* I, d. 35, n. 42, Vat. VI, 263: "ipsum obiectum cognitum est idea." Scotus borrows the traditional Platonic terminology, but gives it a very different meaning. Against Henry of Ghent, he claims that ideas are not ontologically independent entities, enjoying an *esse essentiae* (*Ord.* I, d. 36, n. 34, Vat. VI, 284). And against Aquinas, Scotus claims that ideas are not exemplar forms, guiding God's practical knowledge of his creation. See *Rep.* I A, d. 36, q. 3, passim in T. Noone, "Scotus on Divine Ideas: *Rep. Paris.* I–A, d.36," *Medioevo* 24 (1998): 359–453.

is possible that he is sitting at *T*, and so on. However, it does not include the property of sitting at *T*, because it is a contingent truth.

This leads Scotus to reject theories that ground God's knowledge of future contingents on his ideas.⁵¹ First, they can ground only analytical, thus necessary truths.⁵² Moreover, ideas are intellectual representations, excluding any volitional element. They are therefore purely natural occurrences in God's mind. Since God's will is the only root of contingency, it follows that ideas have their content necessarily and cannot ground a representation of contingent states of affairs.⁵³ Conversely, suppose that God's knowledge of future contingents were based on ideas, then he would not be omniscient, for he would know that Socrates could be either sitting or standing up at *T*, not that he is sitting at *T*. Finally, there would be no more difference between God's knowledge of what is actual and of what is simply possible. The thrust of Scotus's criticism is his claim that being a purely intellectual, prevolitional, representation and being the representation of something contingent are incompatible properties. Since it is a natural power, God's intellect can ground neither the truth nor the knowledge of anything contingent.⁵⁴

At this stage of the process, contingent propositions form pairs of contradictories which are disjunctively necessary, therefore true, but none of which is true nor false. Each member of such disjunctions is a neutral proposition that lacks a truth-value.⁵⁵ This, however, does not amount to a restriction of the Principle of Bivalence (PB), because this stage corresponds to an instant of nature, and there is no time at which contingent propositions lack truth-values.⁵⁶ At this stage there are possible states of affairs and true propositions *de possibili*, but there are literally no contingent states of affairs nor true contingent propositions corresponding

⁵¹ This theory can be traced back to Bonaventure, *In Sent.* I, d. 38, a. 2, q. 2, concl.; d. 39, a. 2, q. 3, 000; but also to Aquinas (*De veritate* q. 3, a. 1–8; *In Sent.* I, d. 38, q. 1, a. 3, ad. 1) and Henry of Ghent (*Quodl.* IX, q. 2, sol., in *Opera omnia* [Leuven: 1979], XIII, 33).

⁵² *Ord.* I, d. 39, n. 7, Vat. VI, 406.

⁵³ *Ord.* I, d. 39, Vat. VI, 407; *Lectura* I, d. 39, n. 21, Vat. XVII, 485.

⁵⁴ *Ord.* I, d. 38, q. 1, n. 9, Vat. VI, 306. *Ord.* I, d. 39, n. 14, Vat. VI, 416: "quidquid intellectus intelligit hoc modo [i.e. ante omnem actum voluntatis], intelligit mere naturaliter et necessitate naturali."

⁵⁵ Scotus speaks of a *complexio neutra*: see *Ord.* I, d. 39, n. 23, Vat. VI, 428; *Lectura* I, d. 39, n. 44, 62–65; 75, 90; *Rep.* I A, d. 38, q. 1–2, n. 37, ed. Söder, 233.

⁵⁶ See A.J. Beck, "Divine Psychology and Modalities: Scotus's Theory of the Neutral Proposition," in *John Duns Scotus: Renewal of Philosophy*, ed. E.P. Bos, 123–37. At 136ff., he discusses a similar objection from Gregory of Rimini, *Lectura* I, d. 38, q. 2, a. 2, ed. D. Trapp – V. Marcolino (Berlin: 1981) III, 281.

to them. This alethic (and *a fortiori* ontological) indetermination entails an epistemic indetermination: in the first instant of nature, God has no determinate knowledge of what is contingent.⁵⁷

It may be remarked that Scotus is not very explicit on the combinations of simple states of affairs. Compossibility is the fundamental relation. Since it is defined in terms of *non repugnantia* alone, it is not a transitive relation (i.e. it is possible that *A* is compossible with *B* and *B* compossible with *C* and yet *A* is not compossible with *C*). Compossibility alone is therefore not rich enough a relation to partition all possible states of affairs into maximal collections of states of affairs, or possible worlds. At this level, there seem thus to be possible situations, but not what we would call possible worlds. There is however a privileged class of states of affairs, those that get actualized through God's choice. This can be described as a complete possible situation and Scotus sometimes uses the phrase *ordo rerum* to characterize it. Therefore at least the actual world is similar to a possible world. Moreover, Scotus sometimes speaks of various *ordines rerum* each corresponding to some hypothetical exercise of God's ordained power.⁵⁸ Though this might look a bit speculative, one could interpret that as the tacit recognition that just as the states of affairs constituting the actual *ordo rerum* are selected through God's will, the other *ordines* are defined by which states of affairs God could decide to co-create. In this respect, it is not inappropriate to see Scotus's modal framework as an anticipation of modern possible world modal semantics and metaphysics.⁵⁹ Just as God's intellect constitutes the ontological ground to his knowledge of necessary truths, his will is the root of his knowledge of contingent truths. This means that God produces some states of affairs in a "willed being" (*esse volitum*) which only actual states of affairs enjoy, and that he determines through his will which contingent propositions are true, and which are false. He decides to actualize one of the states of affairs corresponding to any pair of contradictory neutral propositions. By actualizing such a state

⁵⁷ *Rep.* I A, d. 38, q. 1–2, n. 37, ed. Söder, 233.

⁵⁸ Talking about the nature of God's ordained power, Scotus claims for instance in *Ord* I, d. 44, q. un., n. 8, Vat. VI, 366: "fieret ordinate secundum alium ordinem, quem ordinem ita posset voluntas divina statuere sicut potest agree." This *alius ordo* is clearly a maximal collection of compossible states of affairs.

⁵⁹ See D.C. Langston, *God's Willing Knowledge* and S. Knuuttila, *Modalities in Medieval Philosophy*. I would share C. Normore's verdict: "although one can find the ingredients in Scotus's picture for talking about possible worlds, the notion would do little or no work within that picture itself" ("Duns Scotus's Modal Theory," 155). See below, section 12, for additional reservations.

of affairs, God's will makes the corresponding proposition true, and its contradictory false. God's will is thus somehow the truth-maker of every true contingent proposition.⁶⁰ It is an appropriate truth-maker, since it is a rational power: while he wills that some proposition *p* is true, he could at the same time will that *p* is false. Let us summarize through an example: eternal happiness and its negation are both compossible with Peter's essence, and so in a first instant of nature, God knows that it is possible that Peter is happy, and that it is possible that Peter is miserable. Then, in a second instant of nature, God decrees that Peter should be granted eternal happiness, thereby making true "Peter will be happy." Finally, in a third instant of nature, God knows through his intellect that Peter will be happy.⁶¹ In the three versions of his commentary on *Sentences* I, d. 39, Scotus adds a modified version in order to avoid the charge of introducing discursivity within God's intellect, which would compromise the latter's simplicity. In the second version, God does not infer knowledge of contingent propositions on the basis of the knowledge of his own decrees.⁶² Rather, while he decrees that *p* rather than *not-p* is true (for contingent *p*), his essence represents ipso facto the truth of *p* and is the whole *ratio cognoscendi* of any such truth.⁶³

IV. RECONCILING GOD'S FOREKNOWLEDGE WITH HUMAN FREE WILL

The solution proposed by Scotus to the Source question seems straightforward, but when we turn to the Reconciliation problem, matters become

⁶⁰ The phrase *esse volitum* appears in *Ord.* I, d. 39, n. 31, Vat. VI, 439. On God's will as a truth-maker for contingent truths, see *Ord.* I, d. 39, n. 23, Vat. VI, 428: "voluntas eligens unam partem... facit illud esse determinate verum 'hoc erit pro a'"; *ibid.* Vat. VI, 429: "posita autem determinatione voluntatis divinae, iam sunt vera in illo secundo instanti"; n. 30, Vat. VI: "voluntas divina, determinans 'fore' alicuius ostensi ab intellectu, facit complexionem talem esse veram." Cf. *Rep.* I A, d. 38, q. 1–2, n. 39, ed. Söder, 234: "voluntate acceptante alteram partem contradictionis determinate, facta est unio in esse voluto istorum terminorum contingentium... et complexio vera determinate." As Beck ("Divine Psychology and Modalities," 130) rightly observes, truth is an absolute notion and God's will is factive, so that what God decrees is actual and therefore true. This means that what is merely possible is, strictly speaking not true.

⁶¹ *Ord.* I, d. 39, n. 23, Vat. VI, 429; n. 30, 437; Cf. *Rep.* I A, d. 38, q. 1–2, n. 37, ed. Söder, 234: "et ideo veritate causata in complexione... per actum voluntatis, intellectus divinus tunc primo novit unam partem contradictionis contingentium esse veram."

⁶² *Ord.* I, d. 39, n. 23, Vat. VI, 428: "quasi ex intuitionem determinationis voluntatis et immutabilitatis eius concludat hoc fore."

⁶³ *Lectura* I, d. 39, n. 65, Vat. XVII, 501; *Ord.* I, d. 39, n. 23, Vat. VI, 428–29; *Rep.* I A, d. 38, q. 1–2, n. 38–43, Söder, 234–35.

much more complicated. Suppose that God has decreed that p (e.g. "Agent S wills A at T "), and thereby foreknows it. If the agent is free, this seems to entail that he could exercise his power of not willing A at T . But then, either he would do something contrary to God's knowledge which would threaten his infallibility,⁶⁴ or God's decree that p would not be a sufficient condition for his knowing that p . William Ockham argued that the theory leads to a dilemma: either God's decree is a sufficient condition for God's knowledge, but then no one's act is necessitated by it, and it is not possible to act contrary to what one actually does; or one is free and then God's knowledge is not secured by the determination of his will.⁶⁵ The synchronic theory of contingency guarantees that p is contingent in itself, insofar as it proceeds from an ever-present decree of God. However, this contingency is just an effect of God's contingent willing, who, or so it seems, is the only being endowed with actual free will. Thus Scotus's theory, though it leaves room for some kind of contingency,⁶⁶ would rule out the existence of created free will satisfying the conditions set out by Scotus. This has led some Scotus scholars to suspect that his theory is inconsistent.⁶⁷ According to others, the theory is consistent, because Scotus is in effect a proponent of (theological) determinism. Appearances notwithstanding, Scotus would not develop a libertarian notion of free will, and the notion of a power for contraries must be understood as requiring nothing more than a mere ability (or even the mere logical possibility) to act in a contrary way.⁶⁸ Finally, some others embrace a diametrically opposed interpretation and maintain that Scotus is a full-blown libertarian with respect to human free will. But then, one is obliged to answer Ockham's challenge on Scotus's behalf.⁶⁹

⁶⁴ See *Ord.* I, d. 39, n. 24, Vat. VI, 429–30; *Rep.* I A, d. 38, q. 1–2, n. 44, ed. Söder, 235–36.

⁶⁵ William Ockham, *Ordinatio*, I, d. 38, q. un., *Opera Theologica* (New York: 1979) IV, 582.

⁶⁶ *Ord.* I, d. 39, n. 24, Vat. VI, 430: "voluntas determinate volens hoc, contingenter vult hoc"; n. 31, Vat. VI, 438; n. 33, Vat. VI, 440–41. God's knowledge is not necessary, because it depends on his contingent decrees.

⁶⁷ W.L. Craig, *The Problem of Divine Foreknowledge and Future Contingents from Aristotle to Suárez* (Leiden et al.: 1988), Chapter 5, esp. at 145; H. Schwamm, *Das göttliche Vorherwissen bei Duns Scotus und seinen ersten Anhängern* (Innsbruck: 1934).

⁶⁸ In recent scholarship, D. Langston has defended such a view in *God's willing Knowledge*. Langston believes that Scotus's notion of freedom involves two claims: (i) the agent has the ability to perform A and the ability to refrain from A ; and (ii) the agent wills the performance (or the refraining) in accordance with his nature.

⁶⁹ In "Does Scotus Need Molina," E. Dekker argues that Scotus is a consistent libertarian by denying that Scotus even tries to answer the Source question. For other, recent, libertarian

V. MOLINA ON LIBERUM ARBITRIUM

In order to grasp Scotus's solution to this dilemma, one needs to turn to the problem of God's foreknowledge of evil actions or sins. This problem is extensively discussed in other passages, especially in the commentary on *Sent.* II, d. 37.⁷⁰ Scotus discusses a strongly libertarian and incompatibilist position, which the Vatican editors ascribe to Peter John Olivi.⁷¹ The core thesis is the affirmation that the will can be free only if it is absolutely undetermined, in other words, only if it is a *causa totalis et immediate respectu suae volitionis*. The position discussed by Scotus holds thus the following claim:

If agent *S* has it within his power to will *A*, then there cannot be a causal requisite *R* of *S*' willing such that (i) *A* cannot occur without *R*'s causing and (ii) *R* is not within *S*' power.

Armed with this principle, Olivi argues that if God's willing were a condition satisfying (i) it would also satisfy (ii), and therefore exclude *S*' freely willing. The reason is that God's will exists eternally so that our temporally limited willing could not control it. Scotus concedes that Olivi's position provides an easy answer for excusing God from the responsibility of evil.⁷² But it cannot be reconciled with the exclusive role of God in predestination, and more generally, with the idea of a hierarchy of causes. Moreover, it would undermine the infallibility of God's knowledge of future contingents, if it is based on God's knowledge of his own decrees. This leads Scotus to provide an alternative account. In order to achieve that, he uses the device of partial causes cooperating to produce a single effect.⁷³ There is nothing new to the idea that God's action is necessary to sustain the created world's existence and causal activity within it. What is distinctive of Scotus's position is the way he integrates his account within

interpreters, see A. Vos et al. *Contingency and Freedom*, and W.A. Frank, "Autonomous Freedom and Divine Co-Causality," *Medieval Philosophy and Theology* 2 (1992): 142–64.

⁷⁰ See A.B. Wolter, "Scotus' Paris Lectures on God's Knowledge of Future Events," repr. in Wolter, *The Philosophical Theology of John Duns Scotus*, ed. M. McCord Adams (Ithaca: 1991), 285–333 and W.A. Frank, "Autonomous Freedom."

⁷¹ Peter John Olivi, *Summa* II, q. 116, in corp. quoted at Vat. VIII, 408–09.

⁷² *Ord.* II, d. 34–37, q. 5, n. 113, Vat. VIII, 415.

⁷³ *Ord.* II, d. 34–37, q. 5, n. 117 and n. 142–43.

a general theory of partial, cooperating causes.⁷⁴ In general, he distinguishes three ways distinct causes might be ordained in the production of a single effect. Accidentally ordained causes are such that a single cause could independently produce the whole effect if its power were intensified, as when two horses are needed to pull a cart, one of them could nevertheless suffice, provided he were strong enough. The next two cases concern essentially ordered causes. Sometimes, the causal activity of the subordinated cause is wholly consequent upon the first cause's activity. This happens when, for instance, the hand moves a staff: the staff has no motion of its own, but only as it is acted upon by the hand.⁷⁵ Finally, the two causes sometimes play an essentially distinct and complementary causal role, though one is ontologically superior to the other. As an example, Scotus mentions the generation of a child, which requires the actions of both the father and the mother as its immediate causes, though the male is considered as intrinsically superior to the female.

In the present case, God and the created will can be considered as two partial cooperating causes of the third kind. Contrary to Aquinas's account, God's will does not act directly *on* the created will, but cooperates *with* the latter in order to produce a single volition. From this point of view, the actualization of a causal power does not need the influence of the first cause, except for its sustaining in existence. This remains vague, however, for God's primacy could still imply some way of determining the created will's causation. But God would be guilty of sin if his causation were the root of the deficiency constitutive of the sinful action. With the help of this idea, Scotus develops his own solution to the problem of God's concurrence to sin. It is worth quoting at length:

Thus, if the created will and the divine will concur to the created will's willing, there can be a defect in the willing itself due to the defect of one of the two causes. And it so happens, because this cause could give rectitude to its

⁷⁴ The theory first appears at *Ordinatio* I, d. 3, p. 3, q. 2, n. 496, Vat. III, 293, where he treats the respective roles of the perceived object and the intellect to produce an actual cognition and then again. In *Lectura* II, d. 25, n. 71–73, Vat. XVII, 253–54, Scotus pictures the intellect and will in the production of a volition as two partial, cooperating causes. See above n. 11.

⁷⁵ Interestingly, this is the analogy used by Aquinas to explain God's causal influence on the secondary causes in order that they produce their effects; see, SCG III, 67–70 and *De potentia*, q. 3, a. 7, in corp. and ad. 15. According to Aquinas, God's causal activity is participated by the creatures, and thus, one may say that the creatures' causal activity is actuated by God, acting as a first cause. Any created agent acts through the power of the first cause, by participation of its causal power. God's and creatures' causal contribution do not work as homogeneous concurring causal factor.

act, and is bound to give, but nevertheless does not, while the other cause, though it is not bound to give it, nevertheless “so far as it is in itself” (*quantum est ex se*), would give it, if the created will were to cooperate. Indeed, everything God gave antecedently, He would give consequently (so far as it is in Himself), unless there should be an impediment. By giving to the free will, He gave antecedently the right works (*opera recta*) which are within the will’s power. And thus, as for His part, He gave rectitude to every act of will—and He would give consequently to the will, if the will itself were to cause rightly any elicited act as for its part (*ex parte sui*). . . . The superior cause *quantum est ex se* would cause, if the inferior would cause according to its own causality (*Ord.* II, d. 34–37, q. 5, n. 143–44, Vat. VIII, 428–29).

According to this passage, neither would evil acts occur without a created will’s causality, nor righteous action without God’s concurrence. To understand the whole process, one needs to start from the will’s power for opposites. (i) If *S* actualizes her power for *A*, and *A* is right, God would concur with *S* by producing the needed rectitude in *A*. But (ii) if *S* actualizes her power for not-*A*, then God would not concur with *S*. As a consequence, *S*’ action would not be right nor meritorious, and *S* would sin, because he could have chosen to actualize *A* instead. The combination of (i) and (ii) entails a kind of counterfactual dependency of God’s will (which is presupposed by his concurrence and foreknowledge) on the created will’s choice. In case (i), God wills that *A*, whereas in case (ii), God is said only to permit *A*. This dependency is asymmetrical, for it is not required in the case of the meritorious actions of the predestined, but only to explain how one can excuse God from any responsibility for sin. One might wonder if the discussion of this issue does not rest on a different account of foreknowledge from the one explicitly developed earlier. Indeed, according to Scotus:

- (1) If *S* is free and wills *A*, then (i) God eternally foreknows that *S* wills *A* and (ii) if *S* had not willed *A*, God would have foreknown that *S* does not will *A*.

If one maintains that foreknowledge is based on a divine decision, then (ii) amounts to:

- (1’) (ii’) If *S* had not willed *A*, then God would have decreed that *S* does not will *A*.

But then there seems to be a covariance of God’s decrees with the creatures’. If one reminds that God’s decrees, being eternal, never fade into

past, and remain forever contingent, one might conclude that the power not to will *A* remains within *S*' power even if it is foreknown that *S* shall will *A*. Scotus's position as it is exposed in this passage is consonant with a form of libertarianism, though not of the extreme incompatibilism defended by Olivi. He would modify the latter's condition for freedom, by revising the power condition: some requisite might be such that they are neither within the will's power nor independently given. This new account has the advantage of rendering God's foreknowledge and the will's freedom compatible, and enabling to answer Ockham's challenge. The trouble is that, though not inconsistent with the "official" view, this account departs from the latter's greater intelligibility as a theory of *how* God knows future contingents. For such an infallible covariance without any dependence of God's will upon knowledge of the creature's decisions runs the risk of looking either as something like a cosmic coincidence or a pure mystery of faith.⁷⁶

We are now in a position to grasp Molina's relation to Scotus's thought. To begin with, I shall examine Molina's conception of free will and divine concurrence, where Scotus's influence is most explicit. Then I will examine the criticisms raised by the Jesuit against the Subtle Doctor against the latter's account of foreknowledge. Finally, after a brief examination of Molina's theory of foreknowledge, I will try to assess, beyond the apparent points of agreement and criticisms, the deep-level relations between these two thinkers.

Molina's definition of free will (*liberum arbitrium*) clearly has Scotist roots. Both consider the will as both the *locus* and the source of freedom, against the preeminence of the intellect, which characterizes the Thomistic

⁷⁶ Whatever its obscurities, many theologians of the Renaissance, under the influence of Scotus, articulated such a theory of concomitant decrees. Among others, the Franciscans Antonio de Cordoba and Andrés de Vega proposed such views. Cf. Antonio de Cordoba, *Quaestionarium theologicum*, I, q. 55, dub. 8–12, Venice, 1604, 460–80; Andrés de Vega, *Tridentini decreti de Iustificatione expositio et defensio*, XII, chap.22, Venice, 1546, p.329D. According to the latter, if the will is free, then if *S* wills *A*, then God has decreed that *S* would will *A*, but *S* has the power not to will *A*, and if he actualized this power, then God would have eternally decreed that *S* would not have willed *A*. Among the Jesuits, Gabriel Vázquez seems to have developed an answer to the foreknowledge dilemma based on such concomitant decrees; See his *Commentaria ac Disputationes in Primam partem D. Thomae*, disp. 65, chap. 1, n. 13, Ingolstadt, 1609.

tradition.⁷⁷ Will is a free cause according to Molina.⁷⁸ It enjoys a freedom from necessity which is defined in the following way:

That agent is free, which, when all requisites for acting are present, can act and not act, or act in such a way that it can equally act in a contrary way. And it is because of such a freedom that the faculty through which such an agent can act this way is said to be free. . . . And free will (*liberum arbitrium*) . . . is nothing else but the will, which is formally free according to our definition, when it is preceded by a judgment of reason (*Concordia*, disp. 2, n. 3, ed. Antwerpen, 8a).

Although Molina does not give up the requirement of rationality in order that a being be free, his definition shows that the essential property of a free agent is that her actions do not occur deterministically. That is to say, if agent *S* is free, then there is no set of requisites *R* prior to *S*'s choosing some course of action *A* such that *R* entails that *S* wills that *A*. This is Molina's way of understanding freedom as a *potestas ad opposita*, a power for opposites.⁷⁹ Molina's insistence on the fact that such a power is to be understood *in sensu composito* shows that free will does not involve a simple ability flowing from the nature of the agent, but also the presence of a real opportunity. For instance, someone who is constantly chained to a seat during an interval of time *T*, thereby loses her power to stand up and is therefore not free during *T*.⁸⁰ On the contrary, if she desires to sit

⁷⁷ *Concordia*, disp. 2, n. 9. I will quote from A.J. Freddoso's translation when possible. In other cases, I will refer to the second edition of the work in the Antwerpen edition of 1595.

⁷⁸ *Concordia*, disp. 24, n. 8.

⁷⁹ *Concordia*, disp. 2, n. 3; cf. disp. 53, memb. 2, n. 17.

⁸⁰ D. Langston acknowledges this, and considers that Molina departs from Scotus on this score (see *God's willing Knowledge*, 67). But one must be cautious here, for if some situation *H* is such that one would certainly choose some definite course of action, one does not lose one's freedom, if some distinct agent actualizes and maintains situation *H*. If I were presented a box of chocolate, I would take one, but I do not lose my free will just because I am repeatedly offered some, and do not decline any. Molinist free will entails the power to will the opposite of what one actually wills in certain circumstances, not the power to control the circumstances where one finds himself into. The theory of middle knowledge (*infra*) rests on this idea: an agent, having both the ability and the opportunity to will the opposite in a situation *H*, is such that if placed in *H*, he would (freely) do *A* and some agent, say God, knows this and has the power to ensure that *S* is placed in *H*. Moreover, one could exploit this idea to reinterpret some passages where Scotus claims that the blessed in heaven are free to love God, though he prevents them from sinning (*Ord.* IV, d. 49, q. 6, n. 11, Wadding X, 455). According to Langston the situation is analogous to the case where someone is chained to a seat and, while having an ability to stand up, is deprived of the opportunity to do so (*God's willing Knowledge*, 40–41, 50, and 122–23). Scotus's own example of the eye retaining the power to see the sky, in spite of the presence of a perpetually intervening obstacle, apparently comforts Langston's interpretation. But it is possible

and sees that there is nothing wrong to this, then she is free only if these psychological (and other causal) requirements do not entail that she will sit, but leave it open for her to stand up. This feature explains why Molinist freedom is also called freedom of indifference, which means that the motives presented by the intellect do not determine the will to its choice.⁸¹ Molina argues as Scotus did, that the existence of free will is a matter of psychological experience and cannot be rationally denied.⁸²

Finally, Molina subscribes to Scotus's idea of a non-evident power of the will to simultaneously will *A* and not will *A*. This is the central thrust of disputation 24 of the *Concordia*, where Molina overturns Ockham's arguments against the idea of a synchronic power for opposites. Ockham had objected to Scotus's non-evident power for opposites, that it entails a denial of the law of contradiction and refused to countenance instants of nature. According to Ockham, one is free to will either of two contradictory courses of action *before* the time *T* when the volition is elicited. But at *T*, if one wills *A*, this makes refraining from *A* impossible. In other words, dual possibility is essentially forward-looking.⁸³ According to Molina, this entails that one is free just before one acts, but not at the time when an act is elicited. Since he assumes that one is responsible for an act *A* occurring at *T*, only if one is free at *T*, he infers that Ockham's denial of the Scotist simultaneous power for opposites leads to a denial of responsibility. Moreover, Molina rehearses Scotus's case of the angel existing for a single instant of time, or of the actual angels at the moment of their creation.⁸⁴ According to Molina, such an angel is free at this moment, otherwise he could not be responsible for what he does. He avoids falling into contradiction by using the Scotist device of the distinction of many *instantia naturae* within a single temporal instant.⁸⁵ While he wills *A* at *T*, such an angel must also have at *T* the power to refrain from *A*. This power

to understand Scotus differently (by extrapolating a bit from Scotus's final answer *ibid.* n. 15, Wadding X, 457), if one considers it as a situation where God constantly maintains the situation under which he knows that the blessed will freely avoid sinning. The distinction here is very like the one proposed by Freddoso, 26–28.

⁸¹ See *Concordia*, disp. 2, n. 6, Antwerpen, 8b and n. 9, Antwerpen, 9a.

⁸² *Concordia*, disp. 23, memb. 1, Antwerpen, 89b–90a.

⁸³ Ockham, *Ordinatio*, I, d. 38, q. un., *OTh* IV, 581.

⁸⁴ *Concordia*, disp. 24, n. 6; see Schmutz, "Du péché de l'ange à la liberté d'indifférence," for a much more detailed historical analysis of this point.

⁸⁵ *Concordia* disp. 24, n. 8. Such instants are officially distinct by a distinction of reason, for Molina clearly says elsewhere that it is: "priority in our way of conceiving it, but with a basis in reality" *Concordia*, disp. 53, pt. 1, n. 20, trans. Freddoso, 211. However, when he uses the device of instants of nature in the case of volition, he seems to abandon this view.

is related to an earlier instant of nature N_1 , while the elicited volition is related to a later part of T , N_2 .

However, the two thinkers' positions are only superficially identical on this score. The latter, considering the temporal instant as a whole, maintains that the present is contingent and sees the order of instants of nature as a logical order that does not constitute a parallel quasi-temporal order. On the other hand, according to Molina, the order of natural priority seems to be a discontinuous and irreversible order. He grants that the will is free at N_1 to will A and not to will A . But once its choice, say A , is considered as elicited from the point of view of N_2 , the power to refrain from A is destroyed, and it becomes necessary that S wills A .⁸⁶ It could thus be seen as a more fundamental quasi-time order. Therefore, Molina is better seen as downplaying the Aristotelian thesis of the necessity of the present, rather than rejecting it outright, as Scotus does.

VI. DIVINE CONCURRENCE

The idea of God's general concurrence with created secondary causes is another aspect of Scotus's influence on Molina's thought.⁸⁷ Scotus's conception is an alternative to that of Thomas Aquinas, according to whom creatures act as secondary causes only by participation to God's causation. On the contrary, as we have seen earlier, Scotus conceives their respective contribution on the model of concurring partial causes producing a total effect. The central tenet of this new paradigm is that God does not act *on* the secondary cause to produce the effect, but God cooperates *with* the created cause in order to produce a single, unified effect. Molina sides with Scotus against the Thomistic account. He objects to the latter that it is based on the mistaken idea that creatures' causal powers are essentially incomplete and thus need a kind of *motio* from their first cause. However, this would ruin the very possibility of distinguishing a causal power, be it natural or free, from a mere requisite. What distinguishes the former is that they are complete. Therefore, God is a partial, concurring cause, along with the created cause. He is absolutely necessary in the sense that

⁸⁶ *Concordia* disp. 24, n. 5, 9, and 11.

⁸⁷ *Concordia* disp. 25–28 and the 1572 *Quaestio de concursu generali* in *Geschichte des Molinismus*. Bd. I. *Neue Molinaschriften*, ed. F. Stegmüller (Munster: 1935). More on this in J. Schmutz, "La doctrine médiévale des causes et la théologie de la nature pure (XIII^e–XVI^e siècles)," *Revue thomiste* 1–2 (2001): 217–64. In the *Concordia* disp. 35, Antwerpen, 1595, 146b, Molina explicitly refers to Scotus, *Ordinatio* IV, d. 1, qu. unica, n. 119–140, Vat. XI, 43–50.

no effect could occur without his causal contribution. However, he does not determine by himself the nature of the effect. Rather, God's causation is more like a general power, which is determined when it is conjoined with a secondary cause's causation.⁸⁸ This is the reason why God's concurrence is characterized as "indifferent."⁸⁹ Thus not only does Molina give up the Thomistic model of the structure of action, he also presents an altogether different account of its modality. This is particularly important in the case of created free causes: given God's concurrence with agent *S*, it is both possible for *S* to will *A* and to refrain from willing *A*. In other words, Molina includes God's concurrence among the requisites relative to which the will is indifferent.

What is remarkable is that, while the theory has clear antecedents within Scotus, Molina uses it in order to argue against another central Scotist thesis, namely that God's will is the root of contingency. He devotes the whole of disputation 35 and part of disputation 47 to refute this last claim. He rehearses Scotus's threefold argumentation, from the transitivity of causal necessity; from the primacy of the first cause with respect to the created effect; and from the causal sufficiency of the first cause. Molina claims that all these arguments are unconvincing. The last two entail that God is the only contingent cause, and therefore lead to a kind of theological determinism. The first argument is incompatible with the theory of *concursus indifferens*, which has two consequences. First, under the impossible assumption that God were acting as a necessary (i.e. natural) agent, there would nevertheless remain contingency within the world.⁹⁰ The reason is simple according to Molina: since the effect cannot occur if one of its partial causes does not produce part of its work, then, even if one cause acts necessarily, the effect would not occur if the other did not act. The theory of general concurrence neutralizes so to speak the modality of God's action. Conversely, if God were acting as a free agent, but there were no other, created free agents, then, assuming

⁸⁸ See A.J. Freddoso "Introduction," in *Luis de Molina, On Divine Foreknowledge: Part IV of the Concordia* (Ithaca: 1988), 17.

⁸⁹ Molina, *Quaestio de concursu generali*, ed. Stegmüller, 199: "concursus Dei universalis nihil aliud est, quam influxus Dei immediatus in omnes effectus."

⁹⁰ *Concordia*, disp. 35, Antwerpen, 1595, 147a: "esto necesario moveatur, non tamen necessario movere, quando motus quem recipit, neque est tota, neque sufficiens causa eius motus, qui ab ipsa emanare debet, sed adhuc ad eum necessaria est, tanquam pars causae libera cooperation et influxus causae ita motae. quare esto per impossibile Deus necessitate naturae influeret eadem auxilia gratiae, quae reipsa confert, maneret nihilominus libertas in voluntate nostra."

that God does not act miraculously, all effects that do not immediately depend on God's causal activity (i.e. events like the creation of the world, the Incarnation, etc.)⁹¹ would happen with a fatal necessity, because all secondary free causes would have been removed.⁹² This kind of necessity is defined by Molina as a causal modality, one that results when the occurring of one event is deterministically entailed by the existence of a chain of earlier events.⁹³ Thus according to Molina, causal modalities, contrary to logical modalities, are not absolute nor are they relative to God's causal contribution, but they are relative to the order or secondary causes: *E* is naturally contingent if *E* is the effect of a contingent, secondary cause (i.e. a free cause).⁹⁴ Therefore, God cannot be the root of contingency within the world, though it may be conceded that he is its remote source insofar as he freely decided to create the world. The theory of general concurrence leads Molina to a position that is superficially similar to the position criticized by Scotus, namely that there can be contingency within things even if the first cause is necessary. The similarity is superficial, because those criticized by Scotus were mostly determinists, or at least they considered that contingency was a kind of imperfection, deriving from the imperfection of secondary causes. As we have seen, Scotus treats contingency as a mode of being, on a par with necessity, and Molina shares the same point of view.⁹⁵ Where the two thinkers diverge is in their understanding of the role of divine will. For Scotus, it is the ultimate root of any contingency, while Molina grants that there are as many quasi-independent roots of contingency as there are free causes. He is led to this position by splitting two closely connected Scotist theses, namely, that God's will is the root of contingency, and that God and creature act as essentially ordered co-causes to produce a single effect. While he develops the latter as one of the cornerstones of his thought, he thinks that the first is clearly incompatible with it. He is thus led to claim that Scotus is essentially incoherent.

⁹¹ *Concordia*, disp. 47, n. 4, see Freddoso "Introduction," 20–21.

⁹² *Concordia*, disp. 47, n. 9.

⁹³ *Concordia*, disp. 47, n. 2; notice that, as remarked by Freddoso at note 19 on p. 94 of his translation, the causal necessity of the occurring of any event presupposes as a condition that God does not miraculously suspend his general concurrence; see also disp. 47, n. 12.

⁹⁴ *Concordia*, disp. 47, n. 10.

⁹⁵ Scotus, *Ord.* I, d. 39, n.35, Vat. VI, 444: "contingentia est modus positivus entis (sicut necessitas est alius modus)...immo contingentia per prius est a causa prima quam secunda." Cf. *Ibid.*, n. 13, Vat. VI, 414–15.

VII. WITH SCOTUS, AGAINST ETERNALIST SOLUTIONS
TO THE FOREKNOWLEDGE DILEMMA

The treatment of Aquinas's theory of God's foreknowledge of future contingents as based on their presence to God in eternity is indeed another instance of Molina's complex relationship to Scotus. On the one hand, he defends the coherence of the idea of successive events coexisting in eternity and so he seems to counter Scotus's own arguments against Aquinas, which are rehearsed at the beginning of disputation 48. Significantly, he accuses Scotus of overlooking the fact that the present tense locution "*E* coexists with Eternity" may connote either the now of time or the now of eternity.⁹⁶ Thus when Scotus claims that coexistence cannot relate events occurring at successive moments of time *T* and *T'*, he thinks that "*E* coexists at *T* with *E**" expresses Aquinas's thesis. But this sentence is plainly false, and "*E* coexist in eternity with *E**" is the correct expression of Aquinas's thesis. Thus it might seem that Molina opposes Scotus on this score.

However, Molina is much closer to the Subtle Doctor's conception of time and eternity than it might seem. First of all, he rejects Aquinas's theory as a sufficient explanation of God's foreknowledge. His objections reflect the same conceptions as those underpinning Scotus's own objections. A first argument establishes that the presence of things in eternity cannot account for God's knowledge before his decision to create the world, for either such knowledge is based on God's knowledge of his own intentions, or things would exist in eternity independently of God's decisions which would preclude the exercise of any providence.⁹⁷

Another argument is directly inherited from Scotus: if the presence of things in divine eternity were sufficient to ground foreknowledge, then the angels too should be conceded foreknowledge. Molina considers the traditional answer given by the Thomists, namely that, though the *aevum* is an indivisible duration measuring the existence of the angelic substances, their operations, in particular, the acts of cognition, are not so indivisible, but rather successive. But as a rejoinder, Molina claims that it is possible that God conserves a single act of angelic cognition, which would be indivisible and would embrace all events.

Nonetheless, the most interesting argument starts from the idea that future events are still contingent, and so are really able not to occur.

⁹⁶ *Concordia*, disp. 48, n. 8–9.

⁹⁷ *Concordia*, disp. 49, n. 15; *De scientia Dei*, ed. Stegmüller, 227–28.

Suppose that some such event does not occur, this implies that it is able not to exist in eternity. It acquires a definite existence only from the moment of its occurrence. But then it would be wrong to say that God has had an infallible knowledge of this event at any time before this moment. Using the parallel with God's immensity, Molina claims that just as God's immensity does not coexist with nonexistent places, neither does his eternity coexist with not yet existing moments. In Molina's technical vocabulary, adequate eternity corresponds to the whole of time, but this correspondence is not completed until the whole of time has elapsed. When eternity is considered as corresponding to a stretch of time, it is taken inadequately and as such, it does not coexist with what follows.⁹⁸ To illustrate this, he uses Scotus's example of a circle in the process of being drawn. The center corresponds only to the points of the circumference that have been actually traced, but not the ones that are not yet drawn. This entails a dynamical conception of time, and a notion of eternity closer everlastingness than to strict atemporal duration.⁹⁹ On the whole, it appears that Molina's and Scotus's views on the nature of time and eternity differ only verbally.

VIII. DIVINE PREDETERMINATIONS AND CONCOMITANT DECREES: MOLINA'S CRITIQUES OF SCOTISM

The debate actually bears on a different issue, namely the relation between time and modality. As was shown above, Scotus does not subscribe to the Aristotelian notion of the necessity of the present. Nevertheless, he still holds that there is no power over the past. This leads him to a position on foreknowledge that bears striking similarities with the account known as Ockhamism in the foreknowledge debate. Very briefly, according to this view, the fact that God foreknows that *S* will do *A* is compatible with *S*'s power not to do *A*. If *S* actualizes this power and refrains from doing *A* at *T*, then he brings it about that God will have foreknown from all eternity that *S* does not do *A* at *T*. On the traditional Ockhamist account, God's foreknowledge is indeed affected with pastness, but escapes its accidental necessity by not being a fact really about the past (what recent

⁹⁸ *De scientia Dei*, ed. Stegmüller, 228–29 especially “nondum adsit tempus futurum quod illi correspondeat.”

⁹⁹ See *ibid.* Craig (*The Problem of Divine Foreknowledge*, 172) holds to the same conclusion.

commentators have labeled a “hard fact”), since its content depends on what is yet future and thus contingent.¹⁰⁰ The Ockhamist thus holds the following claim:

- (2) God has always known that *S* will do *A* at *T* and, until *T* (*T* excluded), *S* can bring it about that God will always have known that *S* will not do *A*.¹⁰¹

If this thesis is combined with an account of knowledge based on divine decrees and the thesis of the necessity of the present, the former claim becomes equivalent to this:

- (2') God decrees that *S* will do *A* at *T*, and, until *T* (*T* included), *S* can bring it about that God will always have decreed that *S* will not do *A*.

This latter claim corresponds exactly to Molina's exposition of the theory of concomitant decrees:

for they maintain that if, for instance, Peter, who let us assume, is going to sin at some moment of time, did not sin at that time (which he is capable of because of his freedom) then God would bring it about that He had never known that Peter was going to sin, but that instead He had always known from eternity that Peter was not going to sin (*Concordia*, disp. 51, n. 1).

Molina objects to this theory on the ground that it compromises God's providence and predestination and entails the impossibility of genuine prophecies.¹⁰² But his main charge is that any version of the theory of concomitant decrees leads to a denial of the necessity of the past, and forces one to acknowledge some power over the past in God.¹⁰³ The latter

¹⁰⁰ Ockham, *Ord.* I, d. 38, q. un., OT IV, 588: “quando talis propositio de praesenti aequivaleret propositioni de futuro vel dependet a veritate alicuius futuri, non oportet quod propositioni verae de praesenti correspondeat necessaria de praeterito. Et ita est in proposito.”

¹⁰¹ Ibid., OT IV, 586. Molina expresses the same view in *De scientia Dei*, ed. Stegmüller, 242: “si ego pro mea libertate fecero hoc, Deus faciet se numquam scivisse nisi hoc, et si fecero oppositum, ut de facto possum, Deus faciet se numquam scivisse nisi oppositum.” Molina attributes the view to most scholastics and to many important Tridentine theologians, especially to Antonio de Cordoba and Andrés de Vega (see above, n. 76).

¹⁰² *Concordia*, disp. 51, n. 19–20.

¹⁰³ The inference from the (restricted) contingency of God's foreknowledge to a generalized power over the past was highlighted in the 14th century by thinkers like Peter of Ailly and earlier by Thomas Bradwardine; see R.M. Gaskin, “Peter of Ailly and Other Fourteenth Century Thinkers on Divine Power and the Necessity of the Past,” *Archiv für die Geschichte der Philosophie* 79 (1997): 273–91.

is strictly impossible and we see that Molina grants a strong necessity to past states of affairs. Its medieval label is necessity *per accidens*: once an event has occurred, it becomes contradictory to assume that it has not.¹⁰⁴ According to Molina, any theory along the lines of 2 or 2' entails the contingency of what is past. Suppose for instance that God decrees today that the world never existed: this would entail that some past events did not occur, which is absurd.¹⁰⁵ This criticism of Ockhamism can be extended to the Scotist, eternalist, version of the theory of concomitant decrees. Even if one grants that God's present volitions never fade into the past, and therefore remain contingent, they nonetheless have real, temporally past effects.¹⁰⁶ As a consequence, while on the one hand divine decrees are contingent if they are related to eternity taken as a whole, on the other hand they are accidentally necessary if they are referred to some portion of time. Once God's decision to create the world is actual, it becomes necessary at all later times that God has decided to create the world.¹⁰⁷ What emerges from this is that Molina is close to the Aristotelian picture of the relations of time and modality and distances himself from the consequences of the Scotist conception.

This becomes a highly disputed issue when one turns to the Molinist treatment of the logical problem of future contingents. Interpreters are opposed on the question of whether Molina endorses or denies the Principle of Bivalence (PB) in the case of future contingent propositions. The fatalist inference discussed by Aristotle in *De interpretatione*, Chapter 9 (18a34–b25) starts from the premise that PB applies to all future contingent propositions, and concludes to the necessity of what will happen. One way of interpreting the argument is to see it as resting on the idea that if some proposition is true, then there is a fact in virtue of which it is true, and facts are unpreventable. In the case of the past, we think that is stocked with truths and this is the reason we come to believe that it is unpreventable or necessary. On the traditional interpretation, Aristotle would not deny the principle on which the fatalist inference is based, but instead restrict the scope of PB. The fatalist and the Aristotelian share the idea that there is a strict match between truth (or

¹⁰⁴ *Concordia*, disp. 51, n. 12 and *Commentaria in primam D. Thomae partem*, q. 25, a. 4, 354a–355b. See Craig, *The Problem of Divine Foreknowledge*, 186–87.

¹⁰⁵ *Concordia*, disp. 51, n. 14.

¹⁰⁶ Molina's criticism anticipates C. Normore's remark that "if what is genuinely past is what is past for us, this raises the very delicate issue of whether what is in our past is really necessary or not" ("Duns Scotus's Modal Theory," 136).

¹⁰⁷ *Concordia*, disp. 51, n. 25; disp. 48, n. 21; *De scientia Dei*, ed. Stegmüller, 244–45.

ontological determinateness) and necessity. And Molina seems to accept the same conclusion.¹⁰⁸ But Scotus's conception of synchronic contingency and God's will as a truth-maker for contingent propositions, at least as far as propositions on the present are considered, entails a possible gap between the two.¹⁰⁹ Conversely, Molina's criticisms of the theory of concomitant decrees seem to rest on a fundamentally Aristotelian intuition.

We have seen above that Molina ascribes deterministic consequences to Scotus's theory of the source of contingency. He comes to same conclusion as far as the latter's account of divine foreknowledge is considered. Scotus's position is summarized in the following way:

he claims that it is solely in the determination of His will that God knows which part of each contradiction is going to turn out to be contingently true in the future, and thus that it is solely in the free determination of His will that He knows future contingents with certainty (*Concordia* disp. 50, n. 7, trans. Freddoso, 132).

Such a theory is incompatible with libertarian free will.¹¹⁰ Suppose that *S* is free to will *A*. Then *S* must be able to refrain from willing *A*. God decides to make "*S* wills *A*" true by bringing about the corresponding state of affairs. But this seems to entail that either *S* is no longer able not to will *A*, or God's will would not suffice to ground an infallible knowledge.

¹⁰⁸ *Concordia*, disp. 52, n. 6, n. 15 and n. 37; Quaestio de futuris contingentibus, ed. Stegmüller, 9: "si enuntiationes de futuro essent determinate verae, omnia evenirent necessario non solum necessitate consequentiae sed etiam consequentis." In this passage, Molina does not reconstruct Aristotle's position but seems to give his *responsio propria*. Matters are complicated by the exact meaning of the adverb "determinate." According to Craig (*The Problem of Divine Foreknowledge*) and Freddoso ("Introduction"), it means "necessarily" and on their reading Molina does not restrict PB, but just tries to detect a fallacy in the fatalist inference. However, it is more likely that Molina understands "determinately" as expressing the distribution of truth-values within a disjunction of contradictory sentences; see R.M. Gaskin, "Molina on Divine Foreknowledge and the Principle of Bivalence," *Journal of the History of Philosophy* 32 (1994): 551–71. A given sentence is determinately true if it is true and its contradictory is false. And it is indeterminately true iff it is indeterminately false. Such a reading of "determinate" was not uncommon, for someone like Peter Aureol in the 14th century, who explicitly denies that PB applies to future contingent propositions, simply equates *determinate verum* and *verum*. Cf. *Scriptum super sententias* I dist. 38, art. 3, ed. Schabel, *Cahiers de l'institut du Moyen Âge Grec et Latin* 65 (1995): 126.

¹⁰⁹ For Scotus's hesitant claims about the determinacy of the future, see *Lectura I*, d. 39, n. 69, Vat. XVII, 502–03: "sed in futuris non est determinatio talis: licet Deus determinate sciat *a* fore pro aliquo instanti, pro illo tamen potest scire *a* non fore"; *Ord.* I, d. 39, n. 26, Vat. VI, 432: "talis autem non est determinatio ex parte futuri, quia licet alicui intellectui sit una pars vera determinate . . . non tamen ita quin in potestate causae est pro illo instanti ponere oppositum."

¹¹⁰ *De Scientia Dei*, ed. Stegmüller, 238; *Concordia*, disp. 50, n. 7, n. 14.

Now, Molina makes up a possible, compatibilist answer on the Scotist's behalf: although "God wills that *S* wills *A* and *S* does not will *A*" expresses an impossible proposition (*in sensu composito*), yet it is possible *in sensu diviso* that *S* does not will *A*. Molina is reluctant to countenance the relevance of the distinction in such a case, because there are two types of conditional necessity of the form "necessarily (if *P*, then *Q*)."¹¹¹ If the antecedent *P* is such that if someone *S* has the power to bring it about that *Q* is not true, then *S* has the power to bring it about that *P* is not true either, we can consistently maintain both "it is impossible that *P* and not-*Q*" and "*S* has the power to make not-*Q* true." If, however, the truth of the antecedent is beyond the scope of *S*, then it should be denied that *S* has the power to make not-*Q* true.¹¹¹

In the *Concordia*, Molina introduces the theory of a thorough Thomist like Domingo Bañez (1528–1604) as a mere verbal variant of Scotus's own theory.¹¹² This gives him an occasion to discuss a problem which Scotus struggled with, as we saw above, namely, how an account of divine foreknowledge based on divine decrees avoids the pitfall of either making God the author of sin or rendering him uncertain about bad events.¹¹³ Bañez's own answer introduces a clear asymmetry: God knows that *S* sins when he refrains from willing that *S* acts righteously. But as we saw above, Scotus considered that this cannot provide a secure basis for God's infallible knowledge, unless one claims that any free creature, if left to her own resources, will inevitably sin. But this last concession entails the denial of free will and responsibility. Molina treats the Thomist answer as an extreme version of Scotus's account of foreknowledge, which confirms that he interpreted the latter as a deterministic theory.

¹¹¹ *De scientia Dei*, ed. Stegmüller, 238; *Concordia*, disp. 50, n. 9; Molina's distinction is similar to the Anselmian distinction between *necessitas antecedens* and *necessitas sequens*. Cf. Anselm, *Cur Deus homo* II, 17, *Opera omnia*, ed. F. Schmitt (Stuttgart: 1966), II, 125. See Suarez, *De gratia*, prol. 2, c. 7, § 20 (1st ed. 1619), *Opera omnia*, ed. C. Berton (Paris: 1856–77) vol. VII, 000.

¹¹² *Concordia*, disp. 50, n. 8, trans. Freddoso, 134: "A certain disciple of St. Thomas, differing only verbally from Scotus, attributes the same position to St. Thomas." See D. Bañez, *Scholastica Commentaria in universam primam partem angelici Doctoris D. Thomae*, q. 14, a. 13 (Venice: 1602), 449E: "Deus cognoscit futura contingentia per rationes ipsorum que sunt in Deo, idest per ideas proprias, quae sunt in Deo futurorum contingentium, sed idea repraesentat certo et infallibiliter per modum exemplaris et efficientis"; 450C: "idea quantum ad actualem existentiam creaturarum et quo ad alia praedicata contingentia, non repraesentat naturaliter et necessario simpliciter loquendo sed tantum in sensu composito, idest supposita libera divinae, voluntatis determinatione circa ipsos effectus creatos."

¹¹³ *Concordia*, disp. 50, n. 10–13.

IX. SCIENTIA MEDIA AND DIVINE IDEAS: SOME MODAL ISSUES

Molina's own positive account of divine foreknowledge constitutes of course an essential element in order to appraise his relationship to Scotus. As this aspect of his thought is treated elsewhere in the volume, I will give only a rough sketch.¹¹⁴ Molina's central innovation consists in the introduction of middle knowledge (*scientia media*) as an intermediary stage in the divisions proposed by Scotus and Aquinas. The former distinguished God's natural knowledge of what is necessary and his free knowledge of contingent states of affairs. Middle knowledge falls between the natural and the free knowledge. Like Scotus, Molina describes God's natural knowledge as the knowledge, based on the contemplation of his own essence, of what is possible.¹¹⁵ Natural knowledge and free knowledge are characterized exactly as Scotus did: the content of the former includes all necessary states of affairs and lies beyond the scope of God's power. God has free knowledge of what he decrees to create. It is free because (i) it could have a different content and (ii) such a change depends on God's will (*Concordia*, disp. 52, n. 9). Middle knowledge is then added to this dichotomy in order to save creaturely freedom as well as God's providence and predestination. According to Molina, God knows prior to any decision, not only what is possible under any hypothesis considered, but also what creatures would do in any situations, in particular, what humans would freely do under such or such a hypothesis.¹¹⁶ Through his middle knowledge, then, God knows not actual future contingents, but what Molina calls conditional future contingents (FCCs):

All contingent states of affairs are, I repeat, represented to God naturally, before any act or free determination of the divine will; and they are represented not only as being possible but also as being future—not absolutely future, but future under the condition and on the hypothesis that God

¹¹⁴ Freddoso ("Introduction," 46–62) and Craig (*The Problem of Divine Foreknowledge*, Chapter 7) provide excellent entries in Molina's version of the doctrine. For later developments within Jesuit theology, see S.K. Knebel, "Scientia Media. Ein Diskursarchäologischer Leitfaden durch das 17. Jahrhundert," *Archiv für Begriffsgeschichte* 34 (1991): 262–94. For an introduction to middle knowledge discussions within contemporary philosophy of religion, see E. Dekker, *Middle Knowledge* (Leuven: 2000).

¹¹⁵ *De scientia Dei*, ed. Stegmüller, 239; God's essence is the primary object of his knowledge; see *Concordia*, disp. 50, n. 16.

¹¹⁶ Evidence for the reality of such a knowledge is given by the biblical story of David and Saul at Keilah (1 Sam. 23:10–12), and Jesus's lamentation at Chorazin and Bethsaida (Matt. 11:21).

should decide to create this or that order of things and causes, with these or those circumstances (*Concordia*, disp. 50, n. 15, trans. Freddoso, 140).

That is, God knows, under various hypothetical antecedents *H*, whether agent *S* would freely do *A* or freely refrain from doing *A*. Then, if he decides to create a world containing *H*, he knows that *S* will do *A*.¹¹⁷ For instance, he knows that, if David stayed in Keilah, Saul would besiege the city, while there is no incompatibility between David staying in Keilah and Saul not besieging it.

The theory's central tenet is that the truth or falsity of any FCC escapes the control of God's will, and in this respect, middle knowledge is akin to natural knowledge: "before any free determination of His will, by virtue of the depth of His natural knowledge . . . He discerns what the free choice of any creature would do by its own innate freedom" (*Concordia*, disp. 49, n. 11, trans. Freddoso, 119).¹¹⁸ However, FCCs are contingently true, because their truth depends on what creatures would freely do.¹¹⁹ The content of middle knowledge is such that though it escapes God's power it is not essentially so, and in this respect, it shares common features with free knowledge.¹²⁰

Now, according to Scotus, natural and free knowledge are mutually exclusive and jointly exhaustive, since the root of contingency must be traced back to God's will. Thus the whole charge against the divine ideas account rested on the claim that purely conceptual connections escape the will's power and are therefore necessary.¹²¹ Molina turns the Scotist

¹¹⁷ Freddoso uses the device of Creation situations in his presentation of Molinism. Intuitively, the idea is that God cannot create any possible worlds he pleases, but only those that are part of a Creation situation. As he writes ("Introduction," 49): "if God knows prevolitionally in *CS(w)* that Adam will sin if placed in *H*, then He cannot arrange things in such a way that Adam will be in *H* and yet not sin . . . Over this fact God has no control." Of course, God may decide to create a world with a different condition in which Adam would not sin, but that would constitute another Creation situation.

¹¹⁸ *Concordia*, disp. 52, n. 10, trans. Freddoso, 168: "such knowledge should in no way be called free, because it is prior to any act of God's will and also because it was not within God's power to know through this type of knowledge anything other than what He in fact knew"; n. 12: "[God] knows through it middle knowledge, not freely, but quasi-naturally."

¹¹⁹ *Concordia*, disp. 50, n. 15, Freddoso, 140–41; disp. 52, n. 9; *De scientia Dei*, ed. Stegmüller, 240.

¹²⁰ *Concordia*, disp. 52, n. 10, Freddoso, 169: "therefore it is no more natural for God to know through this sort of knowledge one part of a contradiction than it is for Him to know the opposite part."

¹²¹ In addition to the references above, see the following passage: "nullum subiectum continet nisi veritates necessarias de ipso, quia ad contingentes de ipso aequaliter se habet ex se et ad opposita" (Scotus, *Ord. Prol. q. un.*, p. 3, n. 169, Vat. I, 112–13).

argument on its back. Since the thesis that God's will is the root of contingency destroys human freedom, the only way to save the latter is to claim that knowledge of what free creatures would do in various circumstances is prior to any actual decision on God's part. This, in turn, entails the denial of the Scotist claim that the extent of God's will settles the limits of what is contingent.¹²²

There are two further points within the theory of *scientia media* that need some discussion. First, the theory requires a substantial use of the notion of possible worlds. As we have seen above, although there are elements in Scotus's thought which invite to ascribe him a possible worlds modal framework, nevertheless total states of affairs or combinations of unactualized possibilities into unified worlds do not have a specific role, in part because the notion of compossibility alone does not provide enough resources to define a whole possible world. But the main reason is that every contingently unified *ordo rerum* is a possible object for God's choice. Thus if it is possible that the past history of the actual world be exactly as it is now, call it *h*, and some state of affairs *s* contingently obtains now, then the combination *h* & *not-s* is another possible object of God's choice. But then it is indifferent to say either that God actualizes a collection of compossible states of affairs or that he actualizes a complete *ordo rerum*. Talk of possible worlds is inessential within Scotus's modal framework. But things change once we say that some FCCs are true independently of God's choice. In Molina, expressions like *ordo*, *series rerum*, *combinatio*, or even *mundus* are not just occasionally mentioned, but systematically used in order to describe complete sets of circumstances that are the object of divine choice. The following passage is especially striking:

God in His eternity before the free determination of His will to create or produce something, from the intuition of His essence and power, knew by a natural knowledge everything He could do, that He could create this world,

¹²² *Concordia*, disp. 50, n. 15, trans. Freddoso, 140: "and so we disagree with Scotus, because we hold that the explanation for God's knowing with certainty which part of any contradiction among those contingent states of affairs... is going to obtain it not a determination of the divine will..." Molina's charge in disp. 53 against those who try to account for God's knowledge of FCC through his conditional decrees can be applied to the similar move a Scotist could do. The 17th-century Scotist, Bartolomeo Mastri (also known as *Princeps scotistarum*), advanced such a view of God's knowing FCCs through his actual decree that if it were that *H*, then *S* would do *A*. Cf. *Disputationes theologicae in I librum Sententiarum* (Venice: 1684), d. 3, q. 4, a. 4, n. 256; 193b. For Mastri's overall position on the issues discussed here, see J.-P. Anfray, "Prescience divine, décrets concomitants et liberté humaine d'après Bartholomeo Mastri," in *Saggi sul pensiero filosofico di Bartolomeo Mastri (1602–1673)*, ed. M. Forlivesi (Padova: 2006), 555–92.

and infinitely many others that he could create this one in this or that part of time or any other, that He could create in it these angels, or infinitely many others . . . that He could grant to each single man such or such a complexion, or not this one but another; and so on for the infinitely many other orders and combinations of things and circumstances that His omnipotence could do in this universe.

One should know in addition, that [God] in His eternity and before the determination of His will, by the same natural knowledge stemming from the absolute comprehension and penetration of the things and causes, saw what would be future if He chose to produce this or that order, what any angel, left to his own free will, would do by his innate freedom with such and such helps and, given these or those occasions and circumstances, what any man . . . would do by his innate freedom, while he could nonetheless do the contrary if he willed so, and under the same set of circumstances, temptations and occasions (*De scientia Dei*, Stegmüller, 239).

In the first paragraph, Molina describes possible worlds as alternatives to God's choice. But the second paragraph shows that even if, for instance, a world where Peter does not deny Christ is a possible world, it is not an object for God's choice, which is restrained by what Peter would do under such circumstances. The truth of FCCs (of what some call "conditionals of freedom") constitutes a barrier beyond which God's power does not extend. By giving such a prominence to the truth of FCCs over possible worlds, Molina might seem to downplay the idea of a possible world. But this is not so. If some state of affairs *s* depends on what a free creature would do, then God would no longer have a choice between actualizing world *w* where *h* & *s* obtain and actualizing world *w'* where *h* & *not-s* obtain. Suppose it is true that if it were that *h*, then it would be that *s*, then assuming that God wants *h* to obtain, he must actualize *s*. And since God acts according to an overall providential plan, if he wants some combination of circumstances to obtain, he must actualize all the FCCs that follow from them. This collection describes a unique set of states of affairs, and makes up a single possible world. This is especially important to account for the realization of God's providential project. Scotus sees it as a sequential process, including many distinct decrees, ordered according to *instantia naturae*: thus first God wills the principal goal of creation, namely the Incarnation of his son, and then he predestines some to glory, and finally he permits Adam's sin.¹²³ On the contrary, according to Molina, God knows what would happen in each *ordo rerum* considered as a complete history of the world and issues a single unified creation

¹²³ Scotus, *Ordinatio* III, d. 7, q. 3, passim, in particular n. 67, Vat. IX, 288–89.

decree rationally grounded on his *scientia media*.¹²⁴ The end is therefore not specified independently from the means to attain it, which entails that, had Adam not sinned, God would not have incarnated himself.

Thus with Molina, the notions of asking what would happen in a given world, and thereby of truth in a world, become central. And thus far, the theory of middle knowledge is an important step between the Scotist notion of a *possible logicum* and the modern notion of a possible world.¹²⁵

Second, as an explanation of divine cognition, Molina's account of middle knowledge can be seen as a revised version of the divine ideas account, as is confirmed by his explanation of the medium of God's middle knowledge:

It is absolutely true that the ideas (or the divine essence known as the primary object) are the firm and certain explanation for the fact that God, who comprehends in the deepest way both Himself and the things that He contains eminently, knows future contingents (*Concordia*, disp. 50, n. 16, trans. Freddoso, 142).

Molina grants that ideas are not sufficient to ground God's foreknowledge of actual future contingents, since a divine decree must be added. Nonetheless, ideas as intellectual representations prior to God's decrees are an appropriate characterization of the object of middle knowledge.¹²⁶ Such ideas are not distinct from God's essence, because following orthodoxy, Molina claims that God's knowledge is not taken from things.¹²⁷ He disagrees with those who ascribe to Scotus the idea that God knows things in their *objective being* understood as a divine production in an *esse deminutum*. On the contrary, he rightly ascribes to Scotus the view that God's essence is the primary object of his cognition.¹²⁸ However, he departs

¹²⁴ *Commentaria*, q. 23, a. 4–5, disp. 1, memb. 7, 313a: “at ita, propter plenissimam deliberationem, cognitionemve, qua futura omnia, ex hypothesi praevidebat, meditandus est elegisse simul totum ordinem illum.”

¹²⁵ See T. Ramelow, *Gott, Freiheit, Weltenwahl, Der Ursprung des Begriffes der besten aller möglichen Welten in der Metaphysik der Willensfreiheit zwischen Antonio Perez (1599–1649) und G.W. Leibniz (1646–1717)* (Leiden et al.: 1997) and J. Schmutz, “Qui a inventé les mondes possibles?” *Cahiers de Philosophie de l'Université de Caen* 42 (2004): 9–45 for detailed analyses of the evolution of the notion of possible world within the debates around *scientia media*.

¹²⁶ *Concordia*, disp. 50, n. 17–20.

¹²⁷ *Commentaria in primam D. Thomae partem*, q. 14, a. 5 and 6, disp. un (Lyon: 1622), 154a: “[intellectus divinus] primo fertur in suam essentiam, ut in obiectum primum, in quo virtute continentur naturae aliarum rerum, et mediante essentia ita cognita illo eodem intuitu cognoscit ac intuetur ulterius, ut obiectum secundarium, naturam cuiusque aliarum rerum propriam.”

¹²⁸ *Commentaria*, *ibid.*, 155a.

from Scotus and aligns with Aquinas, by claiming that ideas as such are not to be identified with the essences or natures of things, but are identical with God's essence.¹²⁹ Molina justifies this by appeal to the further claim that the creatures' essences are not possible through themselves, but owe their possibility to God's power.¹³⁰ And this is clearly in opposition to the standard interpretation of Scotus. Moreover, the identification of ideas with God's essence is closely connected to another specifically Molinist claim, namely that God's knowledge is more perfect than its objects, or more precisely, that, in virtue of God's infinite superiority to the known objects, something can be epistemically determinate within God, in other words, God can be certain about it, even if it is metaphysically indeterminate. This property of God's knowledge is what Molina calls *supercomprehensio*.¹³¹ Without entering into the intricacies of this doctrine, what is clear is that it is close in spirit to the Neoplatonic thesis that what is known has the character of the knower, so that a most perfect being can know what is indeterminate in itself.¹³² Such an idea somehow comes to the surface in Thomas Aquinas's treatment of God's foreknowledge, when he claims that a thing's mode of being is not necessarily the same as its *esse cognitum*. It entails that knowledge with respect to God

¹²⁹ *Commentaria*, q. 15, a. 1, disp. 2, 242a: "comparatione intellectus divini essentia divina propriissime habet rationem ideae creaturarum, et non ipsae naturae rerum. Haec est contra Scotum, Durandum, et reliquos..."

¹³⁰ *Commentaria*, *ibid.*: "exemplar igitur primum, in quo a Deo fieri posse conspicitur... non est ipsamet natura humana habens rationem entis, sed essentia divina, in qua virtute continetur, et cuius potest esse participatio, eam suo modo imitando."

¹³¹ The fullest account of the doctrine is to be found in *Concordia*, disp. 52, n. 11–18. Molina says at n. 11 that "in order to see which part a free being will turn itself toward... what is required is an absolutely profound and absolutely pre-eminent comprehension, such as is found only in God with respect to creatures." The chiasm between an object's intrinsic knowability (its metaphysical determinateness) and the possibility that some infinite being be able to know it is clearly affirmed *ibid.*, n. 17: "[that] things that are knowable in the object by their very nature or because of their being, but it is not true of those things that are known in a way exceeding their nature solely because of the eminence and unlimited perfection of the knower." Cf. *Commentaria*, q. 16, disp. 1, 246b: "quia Deus non sumit talem cognitionem suam nec certitudinem illius a rebus ipsis contingenter futuris, quae in utramque partem possunt evenire, sed ex altissima comprehensione rerum omnium in sua essentia, ut in primario obiecto, atque ex infinita, omnique ex parte illimitata perfectione sui intellectus eam habet, inde est quo mensura veritatis illius scientiae nulla ratione sit obiectum secundarium, hoc est, essentia divina una cum libera determinatione voluntatis divinae." On this, see Freddoso "Introduction," 50–53; Craig, *The Problem of Divine Foreknowledge*, 179–83.

¹³² See in particular Boethius, *Consolatio philosophiae*, V, pr. 4, l. 75–77: "omne enim quod cognoscitur non secundum sui vim, sed secundum cognoscentium potius comprehenditur facultatem."

and to creatures is at most an analogical concept, and in so far, Molina seems to share Aquinas's conception of the divine attributes.¹³³ And in turn, this is clearly at odds with Scotus's metaphysics and rational theology, the starting point of which lies in the univocity of the concept of being, of its attributes, and of other perfections.¹³⁴

X. CONCLUSION. SHOULD A SCOTIST ENDORSE MIDDLE KNOWLEDGE?

What emerges from this study is that it is almost impossible to give a one-sided appraisal of Molina's relation to Scotus. Both thinkers entertain a strong notion of metaphysical freedom, but they do not articulate it with exactly the same metaphysical hindsight. The discussions around the relation of time and modality and about the grounds of knowledge have shown that Molina is sometimes closer to ancient modal and cognitive paradigms than it might have seemed at first glance. However, no account of foreknowledge provides a *prima facie* so complete reconciliation of God's foreknowledge with a libertarian view of free will than the doctrine of middle knowledge. And so, to close this study, we should ask whether Molinism could cast some light on Scotus's theory. As we saw above, some passages in the Subtle Doctor lend themselves almost naturally to a quasi-Molinist reading. Thus, in *Ord.* II, d. 34–37, Scotus seems to claim that there is a kind of dependency, more precisely a counterfactual dependency between a creature's free decision and God's decreeing its occurrence, such that, if the creature had willed differently, so would have God. Until now, this dependency has been understood along Ockhamist lines. But there might also be a Molinist interpretation if one adds that God knows what a creature would do before (in our way of conceiving) decreeing anything. And so, as Molina himself remarks in at least one place, Scotus's theory, if considered as incomplete, is not incompatible with the Molinist account:

If therefore, Scotus, when he says that God foreknows future contingents in the determination of His free will, conceives according to the sense that

¹³³ See *ST* I, q. 14, a. 6, ad. 1; a. 13, ad. 2. On the analogy of divine attributes, see *ST* I, q. 13. See L.J. Elders, *The Philosophical Theology of S. Thomas Aquinas* (Leiden et al.: 1990).

¹³⁴ Scotus, *Ord.* I, d. 3, p. 1, q. 1–2, n. 26–55. Vat. III, 18–38. On the univocity of the concept of being, see the studies in Part IV of Honnefelder et al., *John Duns Scotus: Metaphysics and Ethics*. In the particular case of divine perfections like intelligence or will, Scotus claims that infinity does not destroy the formal nature of that to which it is added (*Ord.* I, d. 8, q. 4, n. 17).

has been explained, and that, assuming this natural knowledge by which He eternally knew all future contingents in their future being, not absolutely but conditionally such; and if by the free determination of His will [God] decided to create this or that order of things with these or those circumstances, then what he says is true and agrees with ourselves (*De scientia Dei*, Stegmüller, 240).

Molina acknowledges that Scotus could be read as claiming that divine decrees provide a sufficient ground for God's knowing what will (unconditionally) exist, but that such a free knowledge is preceded by God's knowledge of FCC. During the 17th century this reading was not uncommon among Scotists.¹³⁵ And among recent scholars, those who hold a libertarian interpretation of his teaching on free will are led to ascribe a similar position to Scotus. In other words, in order to fill the gap between God's knowledge as based on his decrees and the counterfactual dependence of his decrees upon what a free creature would do under such and such circumstances, one would have to add something like middle knowledge to Scotus's account.¹³⁶ In this respect, Molina's innovations can help to shed new light on the Subtle Doctor's thought.

¹³⁵ Especially important "Molinist Scotists" are John Punch and Filippo Fabri. Cf. Filippo Fabri, *Disputationes theologicae* (Venice: 1619), I, dist. 39, dispute 53, n. 22–23, 325b: "...contingentia provenire et a voluntate divina, et simul etiam a voluntate creata, quae est causa proxima..."; op. cit., disp. 54, n. 42, 337a: "Molina et alii sentiunt ergo in re cum Scoto"; ibid., n. 50, 338b: "ad salvandum libertatem nostrae voluntatis, et contingentiam in rebus sufficit quod decretum illud divinae voluntatis sequatur praevisionem, quid sit volitura mea voluntas."

¹³⁶ This is approximately the conclusion reached by Dekker. See "Does Scotus Need Molina?" 109–10. In the end, however, he thinks that the theory of middle knowledge as a name for the process of God's cognition does not lead further than Scotus's own account in terms of decrees. The theory of middle knowledge only gives a finer explanation of the way of reconciling God's foreknowledge and created free will.

THE PHILOSOPHICAL IMPACT OF MOLINISM IN THE 17TH CENTURY

Francesco Piro

I. MOLINISM: DEFINITIONS OF THE AMBIGUITIES OF A CLASSIFICATION¹

“Molinism” is one of the ghosts that haunt the theological and philosophical controversies of the 17th century. For Molina’s early adversaries it was simply a new edition of Pelagian heresy, and rivers of ink were poured to confirm or confute this identification.² For the Jansenists, “Molinism” was not only a doctrine of grace and of freedom, but the first step of a wide series of evil moral innovations, ranging from probabilism to the doctrine of “philosophical sin,” in short a “relaxed” (*relachée*) doctrine whose ultimate aim would be to promise men a cheap salvation.³ To yet others, who perhaps share Molina’s conception of grace, but who have no wish to be confused with the “Jesuits,” “Molinism” will appear as an offshoot of “scholasticism” and its abstract language, which is not acceptable to all those who would love to return to the simplicity of the church fathers.⁴

However, these polemical identifications conceal an important fact, namely that Luis de Molina’s thought provided a first-class theoretical

¹ For the biography of the scholastic doctors here discussed, see Carlos Sommervogel, *Bibliothèque de la Compagnie de Jésus* (Paris: 1890–1916); *Dictionnaire de Théologie Catholique* (Paris), and the very helpful website www.scholasticon.fr, by Jacob Schmutz.

² See for instance Didacus [Diego] Álvarez, OP, *De Auxilio Divinae Gratiae et Humani Arbitrii viribus et libertate ac legitima ejus cum efficacia eorundem auxiliorum concordia* (Rome: 1610), lib. I; Álvarez, *De origine Pelagianae haeresis, et eius progressu, et damnatione...* (Trani: 1629); Tomás de Lemos, OP, *Panoplia Gratiae seu de rationalis Creaturae in finem supernaturalem gratuita Divina suavi-potente ordinatione...* (Liège: 1676), I. For Molinists’ self-defense, see Leonardus Lessius [Lenart Leys], SI, *De Gratia Efficaci Decretis Divinis Libertate Arbitrii et Prescientia Dei Conditionata* (Antwerpen: 1610), capp. 8–10; Dyonisius Petavius [Denis Petau], SI, *Theologica Dogmata* (Paris: 1644), vol. 3, 586–655; Gabriel de Henao, SI, *Scientia Media Theologicè defensata [sic]* (Lyon: 1674).

³ The masterwork of this kind of anti-Jesuit literature is *Les Provinciales* (1656) by Blaise Pascal. But its most engaged follower was Antoine Arnauld: see his *Oeuvres* (Paris-Lausanne: 1775–82), 29–36.

⁴ See for instance Simon Episcopius, *De libero arbitrio*, I, in *Opera Theologica* (Amsterdam: 1650), 198–217.

model throughout the 17th century that was capable of being rejected but also of being accepted to a greater or lesser degree. His views were not just confined to occupying a place in the theological debate on free will and grace following the Reformation and the Council of Trent, but changed the agenda of the debate and redefined its categories in a way which proved to have a long influence.

There still remain two major obstacles for those who wish to study its influence and relevance. The first is that the controversy between Molina and Bañez is only one episode in a long transconfessional struggle between different conceptions of grace. On the one side there were those like Molina, who fully accepted the principle that God wanted to save *all* men (Timothy I, 2:4), inferring therefrom that he can refuse only those who in their turn refuse him and that, conversely, salvation for the predestined must also depend on the creature's meritorious decision to cooperate. Against this scheme of theology of grace (Grace *ex praevisa merita*) is set another scheme of theology of grace founded on the thesis that since the will of God governs over every event supremely, divine grace must always be *efficacious* and therefore, if someone is *not* saved, it is simply because God has not *wanted* this person to be saved. In a word, on the one side an image is proposed of God as a *father* who is generous towards his children, albeit circumspect in distributing his gifts, whereas on the other hand the image is put forward of a *sovereign* God whose power over the world is absolute, and whose decisions cannot be judged in moral terms. Now, if the Council of Trent had brought most of the Catholic world nearer the first position—if not for no other reason than on the basis of the famous formula whereby the man inspired by grace may still dissent if he so wishes (*dissentire posse, si velit*)⁵—and if, in the Protestant world, orthodox (“Gomarist”) Calvinism represented the stronghold of the second position, then *both* orientations indeed existed in all confessions. Each of the contending parties had thus to elaborate their own positions by distinguishing them not only from those held by the internal enemy but also from the embarrassing public companions made up of sympathizers of the same thesis in other confessions. For an

⁵ Acts of the Council of Trent, Can. 4, sect. 6. On the theological debates about this formula, see Jacob Schmutz, “Du péché de l’ange à la liberté d’indifférence: Les sources angéologiques de l’anthropologie moderne,” in *Les Etudes Philosophiques* (2002): 169–98; Luca Forlivesi, “Gli scotisti secenteschi di fronte al dibattito tra baneziani e molinisti: un’introduzione e una nota,” in *Conoscenza e contingenza nella tradizione aristotelica medievale*, ed. Stefano Perfetti (Pisa: 2008), 239–81.

anti-Gomarist ("Arminian") Calvinist it was embarrassing to be likened to a Jesuit, almost as if being compared with a "Socinian" who denied divine foreknowledge. For this reason it is by no means simple to understand the game of effective influences which occur in the course of the 17th century among thinkers of different confessions, as many similarities might be deceptive, as indeed could many differences.

The second and more notable difficulty lies in the fact that "Molinism" is a conventional name which does not coincide with the whole of Luis de Molina's thought, but rather with certain aspects thereof which the scholars of the Society of Jesus defended unanimously in the course of the *de auxiliis* congregations (1598–1607), even interpreting them in very different ways. This fact has been stressed by many of the historico-critical studies on the theme. In a still very useful article written for the *Dictionnaire de théologie catholique*, Vastenbeerghe proposed an identification of Molinism which we might term "minimalistic," setting as points of convergence only the negation of "physical pre-determination" and the acceptance of the doctrine of "Middle Knowledge."⁶ Bachelet's studies then showed how marked the difference was between the prevalent theology within the Society of Jesus—Francisco Suárez and Robert Bellarmine's "congruism," whereby God chooses the predestined *arbitrarily*, but sends Grace *congruently* to solicit free consensus therefrom—and Molina's original ideas.⁷ Hentrich and Lurz's studies on other Society of Jesus scholars also confirmed that "Molinism" is to be seen as "a series of theories which pursue different ends autonomously."⁸ Finally, the research of the last few decades has shown that in the course of the 17th century the scholars of the Society of Jesus did not limit themselves to continuing the polemic on the old themes of the Molina–Bañez controversy, but developed new questions—for example, whether it is "morally" necessary for God to choose the best, what kind of rationality guides the distribution of grace, whether God's decrees depend on a coherent "total decree"—which in the long term proved influential also on modern

⁶ E. Vastenbeerghe, "Molinisme," in *Dictionnaire de Théologie Catholique*, vol. X (Paris: 1929), 2094–187 (at 2095).

⁷ Xavier-Marie Le Bachelet, SI, *Prédestination et Grâce efficace. Controverses dans la Compagnie de Jésus au temps d'Acquaviva (1610–1613)*, 2 vols. (Louvain: 1931).

⁸ Wilhelm Lurz, *Adam Tanner und die Gnadestreitigkeiten des 17. Jahrhunderts. Ein Beitrag zur Geschichte des Molinismus* (Breslau: 1932), 218 ("... Kollektivbegriff für eine Reihe von Theorien, die im einzelnen recht verschiedene Züge aufweisen"). See also Wilhelm Hentrich, SI, *Gregor von Valencia und der Molinismus. Ein Beitrag zur Geschichte des Prämolinismus mit Benützung ungedruckter Quellen* (Innsbruck: 1928).

non-scholastic philosophy.⁹ Thus we must distinguish the specific problem of Molina's *Wirkungsgeschichte* from the more general one of the influence of the doctrines elaborated within the Society of Jesus, just as from that of the scholastic Renaissance following the Council of Trent.

Despite this, a nucleus of elements of Molina's authentic doctrine exists which has long remained known to all European scholars—even when, as frequently happens, they had never read Molina's books directly—and which can provide us with the means for testing what type of relationship a determined author or a determined school had with "Molinism," including partial adhesion, competition, or open hostility. We may list these theses as follows:

(i) *Independence of the Will*

The thesis that an act is free if and only if he who acts might act otherwise—that is to say if it respects the principle which today we call PAP (*Principle of Alternate Possibilities*)—is not a Molina invention. We find this thesis already clearly expressed in Henry of Ghent in the 13th century.¹⁰ Nor was Molina the first to call by the name of "indifference" (*indifferentia*) the condition of one who in fact has several alternatives before him.

Molina's originality lies in the statement that a free action does not lose the "power of the alternatives" (*potentia ad alterutrum*) until it is completed. In other words, differently from Ockham, Molina assumes that PAP remains in force also when the act of the *practical judgment* has already been made, which is to say that with which the intellect of the agent accepts the one of the alternatives which is intrinsically the best.¹¹ For Molina, if we *were unable* to retreat freely from the dictates of reason, then being reasonable would not represent a *merit*, as is commonly

⁹ See mainly Tilman Ramelow, *Gott, Freiheit, Weltenwahl. Die Metaphysik der Willensfreiheit zwischen Antonio Perez S. J. (1599–1649) und G. W. Leibniz (1646–1716)* (Leiden et al.: 1997); Sven K. Knebel, *Wille, Würfel und Wahrscheinlichkeit. Das System des moralischen Notwendigkeit in der Jesuitenscholastik 1550–1700* (Hamburg: 2000).

¹⁰ Henricus de Gandavo, *Quodlibet* 9, *quaestio* 5: "nullum bonum apprehensum movet necessario voluntatem superando ipsam quoad possibilitatem respectu contrarii" in *Opera Omnia*, XIII (Louvain: 2004), 124.

¹¹ See Ockham in his *Commentum ad Sententias*, I, I, dist. 38, q. 1; Ludovicus Molina, *Concordia liberi arbitrii cum gratiae donis*, 1st ed. (Lisbon: 1588), disp. 32, 158–59; 2nd ed. (Antwerpen: 1595), disp. 24, 104–06. For a contemporary view somehow similar to Molina's one, see John R. Searle, *Rationality in Action* (Cambridge, Mass.: 2001), Chapters 1–2.

believed. Nor would consenting to intellectual enlightenment given by “forewarning grace” represent a merit.

The novelty of this doctrine lies in the fact that it does not see the *will* as a purely executive faculty, or as an “appetite” triggered by the representation of the good, as the scholastics closer to Aristotle claimed. Rather it is seen as the factor representing moral personality as such. What the “Molinists” call “indifference of the will” is not a simple lack of determination, but rather the active power of being the *origin* of one’s acts, or also—this aspect is however more emphasized by Suárez than by Molina—of keeping control over one’s own action.¹²

The position opposite to Molina’s is that of those who claim that the will is *never* free, but is always determined either by the intellect or by the passions, while *action* may be free when it does not encounter any *external* obstacles. This position is excluded by Molina on the basis of point (ii).

(ii) *Incompatibilism between Freedom and Necessity*

The definition of the free agent given by Molina states that: “that is called a free agent which, having all the requisites to act, may act or not act, or do something so as also to be able to do the opposite.”¹³

To understand the sense of this definition, it is necessary to understand what is meant by “all the requisites.” The terminology is deliberately abstract because Molina intends to exclude not only that the will is strictly determined by the operations of the *intellect* (as the Aristotelian tradition had it), but also that it may be so by any other causal factor, for example by that hypothetical act of “physical premotion” or “physical predetermination” with which God would “touch the heart” of the predestined according to Bañez’s followers.¹⁴

To exclude all these hypotheses, Molina appeals to the general distinction which might exist between free actions and other events of the created world. All the events of the created world are *logically contingent*

¹² Cf. Francisco Suárez, *De concursu et efficaci auxilio Dei*, I, 1, § 2: “dominium in actionem propriam, seu indifferentia in operando...” I quote from *Opera Omnia*, par M. André, Ch. Berton, A.T. Duval, XI (Paris: 1858), 5.

¹³ Molina, *Concordia* 1588, disp. 2, 11; *Concordia* 1595, disp. 2, 8: “Agens liberum dicitur, quod positus omnibus requisitis ad agendum, potest agere et non agere, aut ita agere unum, ut contrarium etiam agere possit.”

¹⁴ Domingo Bañez [sic], *Scholastica Commentaria in primam partem Angelici Doctoris D. Thomae* (1584; Venice: 1585), q. XIX, art. 8, 65–75; Alvarez, *De auxiliis Divinae Gratiae*, pars III, ch. 23–24.

(in that events could not exist, or events could exist different from those which are verified), yet the natural processes (i.e. the actions of the creatures which are not free), always are also *causally necessitated*, that is to say—once the causes *sufficient* for creating them have been given—it would be unthinkable for them not to be created. Molina emphasizes this deterministic aspect of created nature, siding with Scotists and with Ockhamists who admitted *natural necessity*, rather than siding with rigorous Aristotelians who did not admit it.¹⁵ Conversely, free action has a *different* logical structure, or must be free from *every* type of “metaphysical necessity,” including therein the one generated by the presence of *sufficient* or *necessitating* causes.

This does not mean that the “Molinists” do not admit that actions have “moral causes,” that is to say *motives* or *reasons* which justify them. Yet motives or reasons are not binding unless the agent has *chosen* them to be so and thus they do not violate the PAP.¹⁶ The rigor of this *noncausal* consideration of the motives of the action is attenuated among those scholars of the Society of Jesus who admit that reasons can be presented to the will as endowed with a *weight* or a different *intensity*. One of the points of difference between Suárez and Molina lies in the fact that for Suárez “congruism” implies that grace operates a “moral determination,” that is to say that God sends it in such a way as to render it *almost* unthinkable that *that* determined moral subject does not yield to *those* determined emotional or rational motives.¹⁷ With regard to the post-Suárezian scholars, they will go even further by introducing the concept of “moral necessity” (taken up later by Leibniz) which reduces Molina’s incompatibilism considerably.¹⁸

Yet a commonplace of all “Molinists” still remains, namely that the “inclinations” which motivate are not equivalent to “causes” which determine. Accepting the thesis that reasons are determining causes, they claim, we would no longer have any way to discriminate *free* action from simply

¹⁵ Molina, *Concordia* 1588, disp. 45, 282; *Concordia* 1595, disp. 47, 197–200. For a history of former debates on causality and necessity, see Anneliese Maier, *Notwendigkeit, Kontingenz und Zufall*, in Maier, *Studien zur Naturphilosophie der Spätscholastik. I: Die Vorläufer Galileis im 14. Jahrhundert* (Rome: 1949).

¹⁶ Lessius, SI, *De Gratia Efficaci*, caput XV: “Hoc est proprium causae moralis, ut ipsa per se immediatè non producat physicè opus, sed moveat natura ratione praeditam, ad illud producendum.”

¹⁷ Suárez, *De Auxilio Efficaci*, § 48 (*Opera omnia*, vol. 11, 387).

¹⁸ Didacus [Diego] Ruiz de Montoya, SI, *De voluntate Dei et propriis actibus* (Lyon: 1630), disp. IV–IX, 25–77. See Knebel, *Wille, Würfel und Wahrscheinlichkeit*, 197–244.

spontaneous action. This difference is in crucial contrast for the “Molinists,” since they consider spontaneous action as typical of nonhuman animals, that is to say of those beings whose action, albeit without ever being caused by external pressures, remains subject to an inflexible regulation on the part of internal impulses.¹⁹ The relationship existing between *freedom* and *spontaneity* will be one of the more discussed themes in 17th century philosophy and moral theology. For most Lutherans and Calvinists, “spontaneity” corresponds to freedom, while for the Jesuits (but also for many libertarian Protestants like Bishop Joseph Bramhall, Hobbes’ adversary), Molina is perfectly right in distinguishing them apart.

(iii) *Anthropological Optimism, or the Thesis of Man’s Rationality
“in Puris Naturalibus”*

Molina does not only have the objective of showing that the relationship between the *gift of grace* and *salvation* is contingent, since man can also refuse grace. He likewise considers contingent the relationship existing between the *lack of grace* and *damnation*. Molina emphasizes in fact that also in the state of corruption following original sin, man maintains characteristics which derive from his “pure nature” of being rational and social, and that such characteristics enable him to perform, if he so wishes, acts of authentic justice and even of love towards God.²⁰ Thus the case of a man who never sins, even without receiving grace, represents an absolute improbability but not a logical absurdity.²¹

The aim of this theory is symmetrical to that of the theory of the freedom of indifference. If there it was a matter of explaining why cooperation with Grace is a *merit*, here it is a matter of explaining why it represents a *fault* not to provide God with the preconditions why he can give grace. Among the adversaries of Molinism, this thesis was always considered as one of the more scandalous aspects of Molina’s doctrine. But, in contrast, it will be received by authors who cannot be suspected of Molinism, but who will take possession of it in order to found the autonomy of moral rationality from the properly religious sphere.

¹⁹ See Friedrich Stegmüller, *Geschichte des Molinismus*. I: *Neue Molinaschriften* (Munster: 1935), 442. But this view had a wide reception, e.g. Robert Bellarmine, *De Gratia et libero arbitrio*, III. 4, in *Opera*, IV (Naples: 1839), 334: “Si ad liberum arbitrium constituendum sufficeret libertas a coactione, sequeretur etiam in pecoribus esse liberum arbitrium.”

²⁰ Molina, *Concordia* 1595, disp. 4, 16, 17: 14–16, 62–85.

²¹ Molina, *Concordia* 1595, disp. 20: 82–86; Stegmüller, *Geschichte*, 609–35 (letter to Claudio Acquaviva, 21 April 1584). See Knebel, *Wille, Würfel und Wahrscheinlichkeit*, 391–415.

(iv) *Prevolitional Knowledge of the Future Conditionals on the Part of God*

For Molina, indifference of the will does not prevent God from foreseeing the actions of the creature. God in fact knows in a completely *prevolitional* way (that is to say: without he himself intervening) the answer to the question “what would subject A do, if placed in such a situation?” In other words, God has a perfect knowledge of a determined class of *counterfactual conditionals* which today we call *counterfactuals of freedom*: “Placed in situation C, A would do B.”

This doctrine represents the metaphysical heart of the “Molinist” doctrine and was then—as now—at the center of great debates.²² Then, as now, the crucial problem was that of the foundation of divine foreknowledge of the *counterfactuals of freedom*, or that which today we would call their *truth-maker*. Starting out from PAP, in fact, it is necessary to suppose that the assertions “placed in the conditions C, A would do B” and “placed in conditions C, A would *not* do B” are both possible. How then does God know that *only one* of the two statements is true? What is the basis of his foreknowledge? Moreover, the problem remains of understanding why the *fact itself* that God foresees subject A’s behavior does not require subject A to act consequentially (this problem today is called problem of the *accidental necessity*).²³

In Molina’s original version, middle knowledge occupies an autonomous space between “natural knowledge” with which God knows the truth on the universals and “free knowledge” whereby God knows his own decisions on world events (Molina does not use the traditional Thomist distinction: “knowledge of simple intelligence” and “knowledge of vision”). Middle knowledge is made possible by a specific act of the divine intellect which Molina calls supercomprehension (*supercomprehensio*), a sort of “intuition” of the individual’s essence. Beginning from this supercomprehension God sees exactly what an individual would do in any possible situation. Yet he sees, at the same time, this individual as being capable of doing the opposite of what he does (otherwise it would be the situation that would be discriminatory with regard to the action).²⁴ Finally,

²² See the papers by Alvin Plantinga, Robert M. Adams, William Hasker, William Craig, and many other scholars now collected in Hasker, Basinger, and Dekker (eds.), *Middle Knowledge: Theory and Applications* (Frankfurt am Main et al.: 2000).

²³ On the question of “accidental necessity,” see William Hasker, *God, Time and Knowledge* (Ithaca: 1989); Thomas P. Flint, *Divine Providence: The Molinist Account* (Ithaca: 1998); Eef Dekker, *Middle Knowledge* (Leuven: 2000).

²⁴ Molina, *Concordia* 1595, disp. 52, 228: (“altissima et eminentissima comprehensio”).

middle knowledge, although being eternal, reflects what the creature will do freely and depends on what it will do, thus it does not necessitate A doing B.²⁵

As we shall see, each of these theses will be brought back into discussion by subsequent “Molinists,” leaving standing upright only the architrave of divine foreknowledge of the counterfactuals of freedom. This certainly depends on the logical enigmas present in the doctrine itself, but perhaps also on more profound differences existing among the “Molinists” themselves.

(v) *Post-Volitional Knowledge of the Future Contingents on the Part of God*

The fact that Molina calls “free knowledge” the knowledge that God has of the real events of our world (and not “knowledge of vision” like the Thomists), depends on the fact that he is convinced that this knowledge (unlike that of the counterfactuals of freedom) consists of the divine self-conscience of his own decisions, that is to say that God knows what happens in the world because he has *wanted* it to happen.

This solution to the problem of divine foreknowledge of future events (of “future contingents”) is nearer to Duns Scotus than to Thomas Aquinas. For Thomas, in fact, God knows the future contingents for the simple fact that his eternity allows him to take objects present in time simultaneously, and embrace them as if they were coeternal with him. This doctrine of God’s timeless view (*visio in aeternitate*) was however subject to a continuous volley of objections from the 14th century onwards. If in fact all admit that the *knowledge* that God has of the temporal objects is eternal, it cannot then be admitted that the *objects* themselves of this knowledge (that is to say, the creatures) are eternal.²⁶ To understand what makes *actually* true the propositions about a future event which has not yet occurred (that is to say, in the terms of the current philosophy: what is their truth-maker), it is thus necessary to have recourse to something equally eternal, namely to the will of God himself.

During Molina’s time, the Scotist view was certainly the most widespread. The Dominicans, in general, also shared it, at times attributing it

²⁵ Ibid., 236–38.

²⁶ Ibid., disp. 48, 201–05. See William L. Craig, *The Problem of Divine Foreknowledge and Future Contingents from Aristotle to Suarez* (Leiden: 1988), 199–245; Linda Trinkaus Zagzebski, *The Dilemma of Freedom and Foreknowledge* (New York et al.: 1991).

to Thomas himself so as not to refute their master.²⁷ Yet the thesis of the *visio in aeternitate* was still agreeable to some theologians, both because it was nearer to the Patristic sources, and also because it appears to solve the enigma of compatibility between foreknowledge and freedom without introducing middle knowledge. The predilection for the *visio in aeternitate* remains typical of those Catholic and Arminian theologians who, albeit accepting the freedom of indifference, try to differentiate themselves from “Molinism.”

(vi) *Simultaneous Concurrence between God and the Creature*

Theses (iii) and (iv) (prevolitional knowledge of all the *possible actions* of the creatures/postvolitional knowledge of all the *real events* of the world) are interconnected through the doctrine of *divine concurrence* with the creatures’ actions. For Molina, in fact, God “cooperates” with the realization of every action made by his creatures. This does not only mean that, because action B is realized, God has had to create agent A and to allow the world to go ahead until A has done B. This minimalistic interpretation of divine concurrence was in fact claimed in the 14th century by Durand de Saint-Pourçain and by Pierre Auriol, but Molina—like the Thomists and the Scotists—considers it insufficient. For him, since nothing can change that state of integral *dependence* on God that the creatures had at the time of their creation, it is unthinkable that they can act without God in his turn operating to have realized the event corresponding to the “immediacy of an agent subject” (*immediatio suppositi*).²⁸

However, Molina does not even consider that the creature is simply a puppet in the hands of God and that God acts *only*, as two theologians of the 14th and 15th centuries, namely Pierre d’Ailly and Gabriel Biel, had thought. For Molina, God does not operate *on* the creature, but *with* the creature. The “general (or ‘physical’) concurrence” of God with the creatures is performed *simultaneously* with the creature’s self-determination, just as, to give an example already well known in the Middle Ages, the light of the sun cooperates with the generation and growth of the living. In the case of free actions, this doctrine of *simultaneous concurrence* has a further refinement. It is necessary not only for God to act with the creature but for him to do so in such a way as to respect the creature’s faculty

²⁷ See e.g. Lemos, *Panoplia divinae Gratiae*, vol. 1, 295–354.

²⁸ Molina, *De concursu generali*, 1572 (Stegmüller, 194–201); *Concordia*, 1595, disp. 25, 26, 27, 28, 106–23.

to opt for different alternatives, favoring, that is to say, the process of self-determination, whatever its outcome may be (otherwise God would not be able to “contribute” to evil actions).²⁹ This type of *simultaneous and indifferent* concurrence remains in any case a simple aspect of the “general” concurrence.

Coexistence between the doctrine of middle knowledge and the doctrine of divine concurrence was not easy. On the one side, the doctrine of concurrence implies in fact that the object of middle knowledge is something *less* than a possible event, increasing the difficulty of explaining how knowledge of purely virtual objects could be possible. In second place, the doctrine of “simultaneous and indifferent” concurrence encountered hostility from those who, following the Scotist tradition, conceived God’s every intervention in the world as a *decree*, that is to say as a perfectly determined choice *ad unum*. It must be noted though, that these difficulties in conciliating divine action and the creatures’ autonomy are not exclusive to “Molinism.” They tormented all 17th-century speculative theology, and it is not by chance that in the course of the century we meet the resurrection of both the two extreme options Molina had tried to settle, with the Occasionalists on one side, and the neo-Durandian theological rationalists on the other side.

As the reader will have noted, by constructing the *identikit* of “Molinism” we have indicated both the possible crisis points of the doctrine, and the possible objections that an adversary might raise against them. This provides us with an opportunity to attempt an overview of the ones and the others, clearly sketching out a *typological* picture rather than giving a detailed account of a debate which went on for more than a century.

II. “MOLINISM” AS ANTHROPOLOGY (POINTS I–II–III)

Molina’s doctrine of freedom has a double aspect. On one side, it deals with theses which are deeply entrenched in the specific problems of grace. It was important to defend the autonomy of the will with regard to the intellect, because grace above all enlightens the intellect. It was important to emphasize the resistibility of the inner drives, because he had to show

²⁹ Molina, *Concordia* 1595, disp. 29–34, 124–46; Francisco Suárez, *De concursu motione et auxilio Dei* (*Opera Omnia*, 11: 5–290). For an accurate analysis of this topic, see Alfred J. Freddoso’s “Introduction” to Luis de Molina, *On Divine Foreknowledge, Part IV of the Concordia* (Ithaca et al.: 1988), 1–84.

that grace is also resistible. On the other hand, however, these theses are defended with a philosophical language, and are presented in a logically rigorous form, as opposed to other general philosophical theses.

This doubleness is doubtlessly wished for by Molina himself, who aims at associating his theological adversaries (Bañezian “predeterminators,” Luther, Calvin) by making them appear as the expression of a unique trend of fatalists, whose doctrines clash with the immediate “experience” that we have of freedom.³⁰ Molina *constructs*, so to speak, the concept of psychological determinism, more or less as we know it today, as a sort of *reductio ad absurdum* of the more rigidly predestinationist theologies (which then will allow the effectively determinist and naturalist authors—Hobbes for example—to legitimize their doctrine as the unique antidote with regard to the doctrines of the Jesuits).

It was precisely this strategy that was to place “Molinism” in a difficult situation. It represented a *theological* anthropology which conceived human merit and fault just as they figure *coram Deo*, “before God,” but was ever more frequently found to be judged as a general scheme of metaphysics of freedom and philosophy of action. But Molina himself had made the choice of appealing to the philosophical principles and to commonsense intuitions to defend his theology. It was thus clear that his doctrine was judged on these very bases.

2.1. *Inclinations and Wills in the Debate among “Molinists”*

The ambiguity of the situation we have described is manifested in the ways in which the doctrine of the freedom of indifference is systematized. In the first half of the 17th century a considerable variety of systematizations is met. It is discussed in the treatises *de actibus humanis* which form part of the habitual comment of Thomas Aquinas’s to *Summa* I–2. Yet the treatises of the casuists and moral theologians also often include a systematic premise devoted to human action, in which the freedom of indifference is discussed.³¹ Finally, the logically more complex problems are discussed in the chapter on the will of the psychological treatises in the philosophical handbooks.³² The circulation of ideas among these

³⁰ See e.g. Molina, *Concordia* 1595, disp. 23, pars 1, 91.

³¹ See mainly Juan Azor, SI, *Institutiones Morales* (Paris: 1602), with its three long chapters concerning *De actibus humanis et de eorum bonitate et pravitate*.

³² Cf. Juan Hurtado de Mendoza, *Universa Philosophia* (Lyon: 1624): *De Anima*, Disputatio XV; Roderigo de Arriaga, *Cursus Philosophicus* [1632], 10. ed. (Lyon: 1669): *De Anima*,

different types of text is evident, but it is only rather late that praxeology becomes a relatively autonomous discipline.

Thus among the dominant themes of this literature is the one concerning types of freedom. If the anti-Molinist thinkers insist on the fact that man cannot always exercise currently the faculty to pass from one opposite to another (from hate to love, for example), the "Molinists" insist on the fact that the freedom of *contradiction* (that is, the power of agent A to do B or *not* to do B) may exist also when the freedom of *contrarities* does not exist (that is to say the power of agent A to do B or *non-B*).³³ A theoretical development of this discussion was the so-called question of the pure omission. Those who claimed the possibility of a *purely* omissive choice emphasized that only on this basis was it possible to distinguish the freedom of contradiction from that of contrarities.³⁴ Yet such a possibility implied that the subject could act voluntarily *without* having any positive *objective*, which was difficult to admit.

The basic problem touched on by this discussion was that of the compatibility existing between the new conception of will in terms of *choice* and the traditional conception of will in terms of *appetite* of an Aristotelian–Thomistic matrix. The "Molinists" cannot eliminate the second, which represents in the heart of all treatises *de actibus humanis* inspired by Thomas, which set out in fact from a definition of the will in terms of *prosecutio* and *fuga* or of "love" or of "hate" for something. The problem was how to allow such a definition of will to coexist with the hypothesis of a free choice with no positive content as involved in the doctrine of the "pure omission."³⁵

This same difficulty is encountered in the other crucial question, the one of the possibility of the "reflexive will." Can we state the freedom of

disputatio IX; Francisco de Oviedo, *Integer Cursus Philosophicus ad unum corpus redactus* (Lyon: 1640), contr. VIII.

³³ Some authors prefer to use a more classical (but substantially equivalent) distinction, namely that between "freedom *quoad exercitium*" and "freedom *quoad specificationem*." See e.g. Suárez, *De requisitis ad formalem libertatem et usum liberum*, I, 1 § 7–8–9, in *Opera Omnia*, 7: 7.

³⁴ Hurtado de Mendoza, *Universa Philosophia*, disp. XV, sect. 7, 654–59; Arriaga *Cursus Philosophicus*, ed. 1669, disp. X, sect. 7, 912–13. One could suggest that the doctrine of pure omission could be used by a contemporary "Molinist" in order of discussing the "Frankfurt-style" cases, namely those cases in which the actor A has only the choice between to perform *voluntarily* the action B or to be *physically forced* to do the same B. For a "Molinist," since one can choose the second possibility as a kind of omission (I omit to do *voluntarily* B), A does not lose his "freedom of contradiction."

³⁵ This difficulty is particularly evident in Arriaga, *Cursus Philosophicus*, ed. 1669, disp. IX, 875–81.

contrarities with regard to our emotional drives (love, hate)? The presupposition of a positive response is that the “will” may wish to modify itself, that is to say it may refer to itself. Yet even the admission of such a *voluntas reflexa* creates difficult questions. How many acts of will are concluded when we perform an action which we have obliged ourselves to carry out? Reflexive will in fact always presupposes a simple will which accepts it, but this will remains in its turn free to agree or disagree.³⁶ In other words, in the picture offered by the “Molinistic” description of will, which implied a *discrete* conception of time as a succession of choices, it was difficult to explain how the moral subject may acquire regular habits and yet preserve free choice.

The relationship between will and the affective–emotive dimension thus remained an obscure point, and this generated the problem of how much the “inclinations” the moral subject was endowed with could be modified. Some Jesuit theologians clearly admitted that there are some natural structural inclinations, whose outcome the will may direct but cannot suppress.³⁷ In some authors of this school, such as Martin de Esparza Artieda, it is taken for granted that the will cannot determine the intensity of one’s motivations and this involves the impossibility of a purely omissive act, since omission proves more intelligible as being founded on the greater intensity of the impeding motivations rather than as “an inclination towards pure nothing” (*inclinatio ad purum nihil*).³⁸

All of which shows not only how articulated the debate within the Society of Jesus was, but also the fact that “Molinism” was not able to discuss the “inclinations” of the agents (that is to say motives and reasons, with their variety and their different intensity) without regressing to some form of naturalism. This limit was also due to the multiplicity of objectives pursued by the scholars of the Society of Jesus. They defended

³⁶ See Oviedo, *Integer Cursus Philosophicus*, sectio De Anima, cont. IX, punctum 2; Antonio Bernaldo de Quiros, SI, *Cursus Philosophicus* (Lyon: 1666), tractatus IV, contr. 87, 88.

³⁷ See, e.g. Martinus Becanus, SI, *Summa Theologiae Scholasticae* (Lyon: 1619), cap. 3, 125–26. This reevaluation of “spontaneity” was strengthened by the so-called optimist post-Suarezian theologians, who insisted that God’s love towards himself is necessary. See Ruiz de Montoya, *De Voluntate Dei et propriis actibus*, disp. 3, sect. 2: “Quodammodo liber, absolutè tamen est necessarius amor Dei erga seipsum.” See Knebel, *Wille, Würfel und Wahrscheinlichkeit*, 197–218.

³⁸ Martin de Esparza Artieda, *Quaestiones de actibus humanis* (Rome: 1658) disp. 15: 183–97. Esparza is also known for his minimalist views on middle knowledge, which would include only negative statements. See Esparza, *Cursus Theologicus in decem Libros* (Lyon: 1666), 1, q. 18, § 22–24 (p. 64).

the indifference of the will, but—on the other hand—they also defended a conception of a more optimistic human nature than that of the moral philosophers of an Augustinian approach, who were all concentrated on the deceptions of the passions and the evil presence of “self-love.” To condemn love towards oneself integrally, observed the Jesuit Raynaud in polemic with these trends, would also imply condemning hope, which in contrast is a theological virtue.³⁹ This battle in favor of a moral anthropology more favorable to our natural “inclinations” than that of the Jansenists was influential and historically convincing. It also implied, however, re-approaching traditional eudaimonism and less emphasis on the power of pure “will.”⁴⁰ In conclusion, the “Molinists” claimed both the autonomy of the moral subject and the rationality of the moral, but did not succeed in doing so in a noncontradictory way and without falling into traditional ethical naturalism.

2.2. *Alternatives to Molinism: Indifference of the Intellect*

But what were the alternatives to Molina’s conception of freedom? A first alternative was evidently necessity/freedom compatibilism. There were several versions. The most rigid was the one which simply reversed the options of the Molinists: freedom consists in the sole absence of external constraint and will is *never* free, because it is always determined by the beliefs and desires of the agent, nor can it be (unless metaphorically) addressed to itself. We find it in radical Calvinism, in Hobbes, as well as (with greater nuances) in Locke.

With regard to the Dominicans and the other Catholic anti-Molinists, many of them will take refuge in the thesis that the will remains indifferent, if considered in itself (that is to say, if taken *in sensu diviso*), but it is not so when considered in relationship with the action exercised by God or by worldly passions on it (that is to say, if taken *in sensu composito*).⁴¹ For the “Molinists,” it will be easy to object that indifference, admitted in

³⁹ Théophile Raynaud, *Nova Libertatis Explicatio* (Paris: 1632; now in *Opera Omnia*, vol. 18, Lyon: 1665–69), 89.

⁴⁰ In fact, on the most important question in moral theology of the second half of the 17th century—the querelle on “pure love” concerning the possibility for man to love only God and not himself—the Jesuits did not take a party, even if Fénelon was surely nearer to Molinism than his eudaimonist opponents Bossuet and Malebranche. See on this topic, Henk Hillenaar, *Fénelon et les Jésuites* (La Haye: 1967), 190–213.

⁴¹ Bañez, *Commentaria* 1585, I, q. XIX, art. 8, 369–70. Alvarez, *De Auxiliis Divinae Gratiae*, pars I, § 115; Lemos, *Panoptia Gratiae*, vol. 1, 146–99. This same solution is adopted by some Jansenists, e.g. Antoine Arnauld, *De la liberté de l’homme*, in *Oeuvres*, vol. 10, 614–24.

theory, is thus denied in practice. There was, however, also another aspect of the Bañezian doctrine. According to this doctrine, even when the will is bound to a given end, the freedom of the agent does not come short in the measure to which the choice of the means to realize it remains entrusted to his judgment.⁴² This strategy means that freedom consists of the capacity to use the intellect autonomously—whatever the power the latter has over the ends themselves may be—and implies therefore a confrontation between the two *indifferentiae*, namely that of the intellect, admitted by Bañez's followers, but denied by those of Molina, and that of the will, affirmed by Molina's followers, but denied by Bañez's.

The position of the *indifferentia intellectus* had a certain fascination for all those who, independently of their liking for the Dominicans, shared the ethical rationalism of Greek matrix. If the choice is the outcome of a deliberation and the deliberation is an intellectual process, what else is choosing if not making use of one's own intellect?⁴³ In the course of the 17th century this position is defended above all by a non-Aristotelian French thinker, that is to say the neo-founder of Epicureanism, Pierre Gassendi. It is an interesting case because *theologically* Gassendi is relatively close to the "Molinists" as is shown by his treatment of divine providence in the *Syntagma Philosophicum*.⁴⁴ Contrary-wise, on the terrain of anthropology, he is so adverse to the freedom of indifference as to win for himself Descartes' celebrated derisory response of: "Do not be free, if you do not want. I will certainly enjoy my freedom, as I have an certain inner experience of it..."⁴⁵

In fact, Gassendi's conception of freedom appears to be characterized by an intrinsic weakness, which Descartes himself points out. Starting from the fact that Gassendi admits that the outcome of the practical reasoning of subject A depends on the strength of the premises (that is, to express ourselves with current language with the weight of the *beliefs and*

⁴² Bañez, *Commentaria* 1585, I, q. XIX, art. 7, 369: "Quotiscumque actus voluntatis oritur ex praedicta radice iudicii semper erit liber... si non tollat iudicium illud medii circa finem, non destruat libertatem operationis." See the critical remarks by Suárez, *De rebus ad formalem libertatem et usum liberum*, IV, § 1–15 (*Opera Omnia*, 7: 16–21).

⁴³ A follower of this argumentative scheme is Libertus Fromondus [Libert Froidmond], *Chrysippus, sive de Libero arbitrio* (Antwerpen: 1644), cap. IV.

⁴⁴ Pierre Gassendi, *Opera*, vol. 3 (Lyon: 1658): *Syntagma Philosophicum*, pars 3: *Ethica*, sive de moribus, 843. On Gassendi and Molinism, see Margaret J. Osleer, *Divine Will and the Mechanical Philosophy: Gassendi and Descartes on Contingency and Necessity in the Created World* (Cambridge: 1994), 80–101.

⁴⁵ "Meditationes de prima philosophia—Responsio ad quintas objectiones," in René Descartes, *Oeuvres*, vol. 7, ed. Ch. Adam and P. Tannery (Paris: 1899–1910), 377.

desires already present in subject A), his position would seem completely deterministic. Yet he also seems to hold that deliberation is not predetermined by such premises and that the latter leave some room to our power to suspend judgment and avoid hasty conclusions.⁴⁶ Following this line of thought, the intellect has not only the power to look for means for pre-established ends but also has a certain power over the ends themselves.

But how does such power of intellect come about? Gassendi does not explain it, and his most known follower, François Bernier, had to admit that the causal factor which can explain this capacity is our power over *attention*, and yet to direct the attention represents an act of will. Bernier thus finished with arriving at a “Molinist” position against the premises of his master, and the thesis of the indifference of the intellect ceased to represent an alternative.⁴⁷ In post-Cartesian thought, the capacity to distract attention continued to play an essential role as proof in favor of free will, but it was already clear that the powers of attention were to refer back to the will rather than to the intellect.⁴⁸

The interest in this story lies in the paradox in which the “intellectualist” position finished up being involved. The more it claimed that it is to render man free, the more it emerged in the meantime that an *active* use of reason—that is to say such as not to enclose reasoning within the pure sphere of the search for the means—presupposes (and does not explain) man’s capacity to develop into a morally autonomous subject. To take note of this situation, in fact, will be the greatest of modern rationalists, namely René Descartes.

2.3. *Alternatives to Molinism: Negative Indifference from Gibieuf to Descartes*

If the thesis of “indifference of the intellect” denies that the will can determine itself, the thesis of “negative indifference” admits self-determination of the will, but considers it as the sign of the lack of clarity of the intellect or (in theology) of the lack of efficacious grace. This negative acceptance of indifference was fairly widespread; for example, one may also read in this

⁴⁶ Gassendi, *Syntagma Philosophicum*, pars 3 [*Opera*, vol. 3: 824].

⁴⁷ François Bernier, *Traité du libre et du volontaire* (Amsterdam: 1685), 35: “si nous voulons sauver nôtre Liberté . . . nous ne la devons point tant faire consister dans l’indifférence de l’Entendement qui détermine la Volonté, que dans l’indifférence de la Volonté qui se détermine d’elle-même.”

⁴⁸ See e.g. Malebranche’s *Traité sur la prémotion physique*, Chapter 5, in Nicolas Malebranche, *Oeuvres Complètes*, vol. 16 (Paris: 1973), 17.

key a Jesuit like Robert Bellarmine.⁴⁹ Its most well-known theoretician is however an Oratorian friar, Father Guillaume Gibieuf, known above all for his friendship with Descartes. In his ponderous text on the freedom of Man and God, Gibieuf clearly distinguishes two kinds of freedom: freedom of indifference, understood in fact as being mere indetermination; and freedom as a positive capacity of pursuing righteousness as an end in itself (according to the definition of the freedom of St. Anselm). Only the second can be seen as real freedom.⁵⁰

As all theoreticians who will subsequently set “positive” freedom against “negative” freedom throughout the centuries, Gibieuf considers real freedom as a *status* of acquired perfection which implies an ever greater impossibility of choosing differently (until finally disappearing among the blessed). Yet Gibieuf’s work does not simply consist in this opposition between two different concepts of freedom. This is not only because Gibieuf, like the Bañezians, accepts indifference of the intellect and therefore also some kind of positive indifference (that of choosing the means) which is not to be confused with the negative one (of wavering between the ends). The point is that he is trying to clarify why negative freedom must also deserve, to some extent, the name of freedom. Hence there derives his more well-known thesis, whereby what characterizes freedom as such is “amplitude” (*amplitudo*). Negative freedom is extensively “ample,” in the sense that it opens man to infinite potentialities of action. Positive freedom is intensively “ample,” in the sense that it binds man to a being of supreme perfection such as God is.⁵¹ Despite its vagueness, the notion of *amplitudo* is thus to be understood as an attempt to define an original element of freedom as such, that is to say its inherence to a condition which we might call the “transcendence” or the “open-ness” constitutive of man.

There derives from this a second interesting aspect of Gibieuf’s position. He does not criticize Molinism only under the theological profile—that

⁴⁹ Bellarmine, *De Gratia et Libero Arbitrio*, III, 9: “Voluntas in eligendo libera est, non quod non determinetur necessario a iudicio ultimo et practico rationis: sed quoniam istum ipsum iudicium ultimum et practicum in potestate voluntatis est” (*Opere*, vol. 4: 341).

⁵⁰ Guillelmus [Guillaume] Gibieuf, *Orat., De libertate Dei et creaturae, libri duo* (Paris: 1630) lib. I: 10, 24, 39.

⁵¹ Gibieuf, *De libertate Dei et creaturae*, I, 35, 267: “Basis Universae Libertatis est amplitudo infinita... Liber est qui aut in illa immensitate conquiescit...” See the critical remarks to this definition by Cornelius Jansen, *Augustinus* (Lyon: 1640), lib. VII, cap. 16, now included in Francis Ferrier, *Un oratorien ami de Descartes: Guillaume Gibieuf et sa philosophie de la liberté* (Paris: 1980), 207–09.

is to say as doctrine of grace—but transforms his polemic with Molinism in a counter-position between moral conceptions. The very ideal of moral self-determination appears to Gibieuf as the oblivion of the state of opening to the otherness which is characteristic of man.⁵²

These aspects of Gibieuf's work would seem to put him not only on a different plan but in fact contrary in his aims to those of his celebrated friend, René Descartes. The question of how much Gibieuf has influenced the conception of freedom exposed by Descartes in the fourth of his *Metaphysical Meditations* is a *vexata quaestio* of Cartesian studies. In this meditation, Descartes tells us that human will "is much more ample and extensive than the intellect," and it is from this amplitude that the error derives, the fruit of the tendency of the will to make decisions without the guidance of the intellect. This passage certainly recalls the description which Gibieuf makes of negative indifference.⁵³ Descartes' followers of a predeterminist orientation will derive from it that the freedom of indifference exists only as an explanation of sin, while in the adhesion to good the will is *necessarily* subordinate to the intellect.⁵⁴ However, Descartes does not utter this "necessarily," and indeed, beginning from the *Principia* of 1644 and later in the letters to the Jesuit Mesland of 1644 and 1645, he will say something to the exact opposite, that is to say also the *positive* freedom (the one that is exercised by following the intellect) conforms with PAP and is a freedom of indifference.

It is difficult to say whether Descartes changed his opinion between 1640 and 1641 and 1644 and 1645, or whether in the *Meditations* he had simply omitted to expose a doctrine which was not pertinent to the problem of error. In either case, the reasons which led him to positive indifference are quite clear. If it were the intellect to determine the will, we should think that the more evident a truth is, the more we are required to give our assent to it. But this is not true, because if we accept the unfailing truth of the *Cogito*, all the other truths can be doubted. It is necessary,

⁵² Gibieuf, *De Libertate Dei et creaturae*, I, 32, 232–34.

⁵³ *Meditationes de prima philosophia*, IV: "... vim volendi, quam a Deo habeo, ... causam esse errorum meorum, est enim amplissima, atque in suo genere perfecta" (Adam-Tannery, 7: 58; cf. ed. fr. 9/1: 44–45).

⁵⁴ Adrianus Heereboord, *Meletemata Philosophica* (Neomagi: 1664), exerc. 17: 72–74; Johannes Clauberg, *Paraphrasis in Renati Des Cartes Meditationes de prima philosophia* (Duisburg: 1658), 220–21; Pierre Poirot, *Cogitationum rationalium de Deo, Anima, et Malo libri quatuor* (Amsterdam: 1677), cap. 19 (pp. 209–11). On these Calvinist Cartesians, see Maria Emanuela Scribano, *Da Descartes a Spinoza: Percorsi della teologia razionale nel Seicento* (Milan: 1988), 13–82.

therefore, that the *assent* to the evident truths is in power of the will, it is to say that *judgment itself* is an act of will. On this innovation depends Descartes' fairly anomalous position in the spectrum of the doctrines of freedom. Like Gibieuf, Descartes claims that two freedoms are given, but then he conceives them both as expressions of the indifference of the will. In the second letter to the Jesuit Jean Mesland, the philosopher clarifies this point using the Suárezian doctrine of moral determination, becoming known to him through the works of the Jesuit Denis Petau: "when a very clear motive moves us in a certain direction, although, morally speaking we could with difficulty direct ourselves in the opposite direction, from an absolute point of view, we are nevertheless able."⁵⁵

Apart from the division between the two freedoms (hardly significant at this point), there is, however, a point on which Descartes remains in complete disagreement with the "Molinists." Like Ockham, Descartes claims that once the judgment has been formulated, or the assent has been given, the positive will can no longer hold back and action is performed in a *necessitated* way. This might suggest that Descartes, in reality, is simply confusing the issue with Mesland, since, once removed from the admission of the difference between moral determination and physical determination, all remains as in the theoreticians of the two freedoms. But, starting from the Cartesian psychology, the solution outlined in the second letter to Mesland is completely inevitable. In fact, if it is the will that performs the course which leads the ideas to judgment, it is not clear how it can be kept autonomous with respect to its very acts. Nor must it be forgotten that, for Descartes, the judgment is not only an inner act of the mind but it is an act which the "pineal gland" will translate into a physical movement, which will give origin to all the mechanical process with which the will becomes action. The will therefore is not free to modify itself immediately, because its power over the body makes it also susceptible to having to depend on the body for the realization of its own projects. This is the thesis on which Descartes will build his last text, *Passions of the Soul*, a text in which the possibility of modifying oneself (so dear to the Jesuits) is conceived as a possibility which depends more

⁵⁵ Second letter to Mesland, 9 February 1645? (Adam-Tannery, 4: 173). See even *Principia Philosophiae*, § 37 (Adam-Tannery, 8/1: 18–19). On Descartes' evolution concerning freedom, see Etienne Gilson, *La doctrine cartésienne de la liberté et la théologie* (Paris: 1913); Jean Laporte, "La liberté selon Descartes," in *Revue de Métaphysique et de Morale* (1937); Ferdinand Alquié, *La découverte métaphysique de l'homme chez Descartes* (Paris: 1950); Anthony Kenny, "Descartes on the Will," in *Cartesian Studies*, ed. R.J. Butler (Oxford: 1965).

especially on the control which our mind can exercise (often over long periods) on its body and thus on itself through the body.⁵⁶

Thus Descartes may have been sincere with Mesland and may effectively have shared the "Molinist" opinion that the reasons, however evident they may be, never force the will. Yet there is a more radical difficulty which we encounter, perhaps for the first time in Descartes. Since the Cartesian view is not expressed at the level of a general theory of action, but rather at the level of a description of the experience that the conscience makes of its own acts, it is not said that *from God's point of view* moral determination is not also a *physical* determination. And in fact, in the rare cases in which he speaks as a theologian, Descartes is of a disconcerting ambiguity regarding the way in which God enters in relationship with free action. In a letter to Elizabeth, he compares God to a king who has ordered two knights to meet, albeit knowing that they have the will to beat each other, and that therefore he knows that they will duel but be not guilty of this fact. Hitherto, Descartes might appear to follow the model of the middle knowledge. But then, when it is a matter of explaining why God knows what the two knights will do, Descartes writes that God knows our inclinations because "it is He Himself who has put them in us."⁵⁷ Descartes does not explain to us how this statement is compatible with the one that the two knights fight "willingly and freely." Indeed, he might have given up *a priori* looking for a rational solution to such a problem.⁵⁸

Assuming psychological certainty as a starting point, Cartesianism is doubtlessly a philosophy of the freedom of indifference. Yet Descartes makes a cautious use of this psychological certainty and seems to doubt that it is sufficient to exclude physical predetermination. Perhaps his cautious attitude will influence that follower of his who will reach the conclusion that free will is not an interior evidence, but rather an illusion or self-deception of the conscience, namely Spinoza.

Turning to the problem of the two freedoms, it could be said that the case of Descartes makes the fundamental defect of this doctrine clear, which frontally counterposes moral autonomy and rationality. Descartes

⁵⁶ Descartes, *Passions de l'âme*, § 48, 49, 50 (Adam-Tannery, 11: 366–68).

⁵⁷ Letter to Elizabeth, 1646 (Adam-Tannery, 4: 353–54): "...Et avant qu'il nous ait envoyés en ce monde, il a su exactement quelles seraient toutes les inclinations de notre volonté; c'est lui-même qui les a mises en nous..."

⁵⁸ This is suggested by Michael J. Latzer, "Descartes's Theodicy of Error," in *The Problem of Evil in Early Modern Philosophy*, ed. Elmar J. Kremer and Michael J. Latzer (Toronto et al.: 2001), 35–49.

was in contrast a turning point, because he was acutely aware that it was necessary to integrate them. Yet it is to be added that this Cartesian thesis, according to which we are free inasmuch as we can *doubt* also what is *evident*, might also have some disturbing repercussions. It reinforced human freedom, but at the same time it attributed to man the terrible power of refusing the evidence of the reasons and of exercising doubt on almost everything.

To exploit this possibility in a newly “negative” key was an Anglican bishop, William King (1685–1732), in a book *De origine mali* (1702), which had the honor of a long (but very polemical) review by Leibniz. After examining carefully both the deterministic position (which he holds completely amoral), and the thesis of negative indifference (which he considers contradictory), King concludes that to the will is to be acknowledged an active power of being withdrawn from the intellect. Yet he uses this *positive* conception of freedom more especially to solve the problem of evil—that is to say in a *morally negative* key. Starting from the fact that we are happier doing something wrong freely than doing something good or useful by force, King infers that we are led to value our autonomy at all costs and that this generates countless moral errors which man *chooses* to perform, giving himself fictitious reasons in order to adhere to them.⁵⁹ Thus in King’s work the will assumes some of the aspects that the Augustinian theologies had attributed to “self-love.” This fusion between libertarianism and anthropological pessimism leads King to a curious theodicy. Like the Molinists, King assumes that God has considered freedom of the creatures as a value that cannot be renounced, but this leads him to conclude that God therefore has *not* wished for *the* best of the possible worlds, and thus consider the concession of free will not as proof of God’s *goodness*, but as reconfirmation of the absoluteness of his *sovereignty*—which explains Leibniz’s considerable irritation towards him.⁶⁰

King’s primary objective is to counterpose Hobbes’ and Locke’s ethical naturalism, for which the notion of “fault” has no more moral significance, and human behavior is necessarily in keeping with the subject’s desires. However, the interest which his work can stimulate lies in its (so to say) “pre-Nietzschean” tract: not only can the will take account of itself and want its own freedom but it can also create evaluations and judgments

⁵⁹ William King, *De origine mali* (London: 1702), cap. 5, § 2–15, 100–44.

⁶⁰ King, *De Origine Mali*, cap. 5, § 16 (pp. 144–56); G.W. Leibniz, *Remarques sur le Livre de l’origine du mal, publié depuis peu en Angleterre* in *Die philosophischen Schriften*, vol. 6, ed. C.I. Gerhardt (Berlin: 1875–90), 400–36.

on such a basis. In brief, considering the moral subject as being endowed with the power of choice means recognizing in him the capacity to create subjective “values” for himself. In King, this datum is essentially tragic, since he remains a Christian theologian, convinced of the absoluteness of Truth and Good. But his work gives testimony to how the value of personal autonomy began to be felt as being so strong as also to be able to bring the rationality of the moral into discussion.

2.4. *Alternatives to Molinism: Holistic Doctrines of the Moral Person*

For those who did not wish to accept the moral psychology of the Molinists there existed yet a further possibility. This was to reject the description of the intellect and the will as *distinct* faculties, considering this very description as a “scholastic heritage” to be abolished. This way is followed by the theologians of Arminian orientation, intent on maintaining a strong conception of the will as “dominion over themselves,” but little inclined towards exhibiting a concordance with the “Jesuits.”⁶¹ Among the 17th-century philosophers to follow this road there is above all Ralph Cudworth in his work *A Treatise on Free Will*, which remained unpublished.⁶² Like the intellectual adversaries of Molinism, Cudworth connotes the indifferent will as a “blind” power. To this he adds, however, a more original accusation. According to Cudworth, the limit of the Molinistic conception of the will is that it transforms the action into something “fortuitous” in the measure in which *all* the agent is not implicated, but only one single faculty. For Cudworth, on the contrary, free action presupposes an agent who expresses through it his own power of producing his unity in the multiplicity of his faculties. It is for this reason that even a single action can show the entire personality of a man and prove unforgivable or unforgettable.

In other words, Cudworth gives more emphasis to the *control* the person has over the action, than the power of his will to decide in unpredictable ways. From this viewpoint, despite the archaic terminology he uses, there could be seen in his criticism of indifferentism an early formulation of the criticism which the authors who follow the perspective which today

⁶¹ Episcopius, *Tractatus de libero arbitrio* (*Opera Theologica*, 198–217): “Libertas hominis seu animae humanae nihil aliud est quam dominium quod homo habet in seipso.”

⁶² Ralph Cudworth, *A Treatise on Free Will*, ed. John Allen (London: 1839.) I owe to Ph. D. Luigi Della Monica my acquaintance of this work by Cudworth. See Luigi Della Monica, “Il concetto di amore nel pensiero religioso di Ralph Cudworth,” in *Rivista di Filosofia Neo-Scolastica* 4 (2008): 505–35.

is called *agent causality* generally address the authors who follow acausal and strongly indeterministic conceptions of the free will.⁶³ Amongst other things, it is interesting that Cudworth links the holistic characteristics of human personality not to the similarities of man with God, but rather to the *imperfection* of man himself, who must gather himself into a whole if he does not wish to disintegrate into pieces:

To conclude, God Almighty could not make such a rational creature as this, whose joints, springs, cogs and wheels of motion were necessarily linked together, which had no self-power, no hegemonic or ruling principle, nothing to knit and unite the multifarious parts of the machine into one, to steer and manage the conduct of itself... self-power, commonly called liberty of will, which is no arbitrary contrivance, or appointment of Deity, merely by will annexed to rational creatures, but a thing which of necessity belongs to the idea or nature of an imperfect rational being. Whereas a perfect being, essentially good and wise, is above this Free Will or self-power, it being impossible that it should ever improve itself much less impair itself. But an imperfect rational being, which is without this self-power, is an inept mongrel and monstrous thing, and therefore such a thing as God could not make. But if he would make any imperfect rational creatures, he must of necessity endow them with an *hegemonikón*, or self-governing power.⁶⁴

Although it remained unpublished, this criticism of indifferentism marks a fairly widespread trend at the close of the 17th century. The thesis of the freedom of indifference is no longer attacked as being too “Pelagian.” Now it is attacked because it does not give an adequate representation of personal autonomy. The point of difficulty of this scheme of criticism is that it is not clear what the alternative is. Is Cudworth postulating an absolute irreducibility of the moral personality, as described by him, to the concepts of psychology and physics? Or is he trying to argue the need of a new philosophy of nature which could admit complex systems provided with capacities of internal self-regulation? The first hypothesis would lead to giving a too postulatory basis to his philosophy of freedom, but the second would be a type of “soft determinism.” This ambivalence—which appears to be present also in philosophers better known than Cudworth⁶⁵—seems

⁶³ See Timothy O’ Connor, *Persons and Causes: The Metaphysics of Free Will* (Oxford et al.: 2000); Randolph Clarke, *Libertarian Accounts of Free Will* (Oxford et al.: 2003).

⁶⁴ Ralph Cudworth, *A Treatise on Free Will*, § 16.

⁶⁵ Leibniz, for example, sometimes describes himself as the exponent of a *third* position between determinists and libertarians (see for instance *Theodicy*, § 371, in Leibniz, *Die philosophischen Schriften*, 6: 335), sometimes as the supporter of a nonmechanical determinism, grounded on a reappraisal of the Aristotelian formal and final causes (see for instance *Theodicy*, § 303: 296). On Leibniz as an anti-Molinist, see R.M. Adams, Michael

to me to point towards a more general problem. Molina's approach concentrated the autonomy of the person in only one point, the *hic et nunc* choice between alternative possibilities. This perspective—which had sense in a conception of the moral life centered on the problem of the relationship between the individual and divine grace—now appeared unsatisfactory for a philosophy which began to conceive moral life more especially as a process of self-formation with strong characters of inner continuity (and which grace eventually limits itself to perfect). However, it remained unclear how much of this new model was an expression of a need of a purely *normative* type (that of reconnecting freedom and reason in the ideal of a “rational autonomy”) and how much instead it expressed a need of a naturalistic–scientific type (that of giving back to man and to its action a place in the “scale of nature”). They were both legitimate needs, but the fact that one did not succeed in *distinguishing them* was the sign that anti-Molinism had not yet understood the reasons of its adversary and that even its more sophisticated versions tended to plunge back into some kind of ethical naturalism.

III. DIVINE FOREKNOWLEDGE AND PROVIDENCE (POINTS IV–V–VI)

The controversy over “middle knowledge” is one of the more extensive controversies ever to have existed in the history of Western philosophical theology. Every comment on Thomas composed in the 17th century contains a large section devoted thereto (generally included in the comment to the *quaestio* 14, “De scientia Dei”) and that is not only valid for Jesuits and Dominicans, but for every Catholic order. There are also numerous interventions on the part of the Protestants.⁶⁶

Even if we had many pages at our disposal it would be impossible to sum up the multiple contents of the dispute.⁶⁷ We will concentrate only on the most scandalous point of the doctrine, that is to say the imputation to God of a knowledge which is not exactly a contemplative knowledge of eternal truths, nor a knowledge deriving from self-knowledge of one's

J. Murray, and Sean Greenberg, in Donald Rutherford and J.A. Cover, *Leibniz: Nature and Freedom* (Oxford: 2005).

⁶⁶ For instance Richard Twisse, *Dissertatio de scientia media tribus libri absoluta* (1618; repr. Arnheim: 1639).

⁶⁷ For a fine recapitulation of the main points of the discussion, see Knebel, “Scientia media. Ein Diskursarchäologischer Leitfaden durch das 17. Jahrhundert,” *Archiv für Begriffsgeschichte* 34 (1991): 262–94.

own will, but rather a knowledge referring to the possible actions of possible individuals. This knowledge appears not only to be based on shaky grounds but is also rather incongruous for the sovereign of the universe. Suárez proposed to consider it as the theoretical basis for *prudence*—that is to say for that virtue which is useful in the management of political affairs.⁶⁸ But the usual scholastics' "theological epistemology"—if I may use a similar term—did not contemplate that the providential government of the world needed a knowledge of this type, based on the sort of foreshadowing of the possible situations. The debate on "middle knowledge" thus represented a sort of adjustment period for the sciences of probability and moral rational choice.⁶⁹ But what worried the theologians was, more especially, what image of God and his workings was generated by the attribution of this knowledge or by the refusal to attribute it to him. Would he have still been endowed with the appropriate attributes both of sovereignties over the world as well as intellectual perfection? We will confine ourselves to indicating the main replies to this embarrassing question.

3.1. *Many Interpretations for Middle Knowledge*

As we have already observed, a shared account of what "middle knowledge" does not exist. For Molina it was a question of an effectively intermediary knowledge between God's "natural knowledge" and God's "free knowledge." For Valentia and for Vázquez, knowledge of the future conditionals is, if ever, a part of God's "knowledge of simple intelligence." For Suárez too, middle knowledge is a part of knowledge of simple intelligence, but God can know the future conditionals also by making use of the middle knowledge that he has with regard to himself and the decrees with which he will choose to contribute to the creatures' actions—a direction not accepted by Molina.⁷⁰

For Molina, God knows intuitively the innermost part of the agents, with a sort of "supercomprehension" (*supercomprehensio*). The attribution to God of such nonlogical intuition was often contested by other Jesuits,

⁶⁸ Suárez, *De Scientia conditionata futurorum contingentium*, cap. 4, § 2: "hujusmodi scientia est utilissima ad prudentiam" (*Opera Omnia*, 11: 354).

⁶⁹ Knebel, *Wille, Würfel und Wahrscheinlichkeit*, 77–126, 275–558.

⁷⁰ Cf. Gregorius de Valentia, *Commentariorum Theologicorum tomi quatuor* (Ingolstadt: 1603), q. 23: 525; Gabriel Vázquez, *Prima pars summae Theologiae S. Thomae Aquinatis cum commentariis*, disp. 67, cap. 4 (1598; *Opera Omnia*, Paris: 1905), 263; Suárez, *De scientia conditionata futurorum contingentium*, cap. 8, § 5–6–7–8 (*Opera Omnia*, 11: 372–74).

at times with ironic accents.⁷¹ Among the alternative explanations, the most followed was that of Suárez, according to which it is simply the fact that the counterfactuals of freedom are susceptible to truth or falsehood (that is to say in the sense of opposing “placed in conditions C, A would do B” with “placed in conditions C, A would not do B,” and to claim that only one of them can be true) to enable God to know automatically which is true and which is false, on the basis of his omniscience.⁷²

Paradoxically, therefore, if “middle knowledge” is inextricably associated with the name of Molina, the subsequent debate seems immediately to weaken his contribution. This is due not only to the speculative measure of the other contemporary scholars of the Society of Jesus (Vázquez, Suárez, Valentia) and to their capacity to make proselytes but to the fact that the logical and speculative difficulties of middle knowledge had not even minimally been faced by Molina. It was necessary above all to isolate the conditionals which could be the object of middle knowledge. Suárez proposed to include all the non-necessary conditionals, including those which announce a mere simultaneity of facts such as “if Peter sleeps, then John walks” (the “disparates” or “concomitant”). Many other Jesuit doctors chose to reduce middle knowledge *exclusively* to the counterfactuals of freedom, assuming that some kind of “connection” or of “causal dependence” between condition and conditioned was needed for a real conditional statement.⁷³ But, on the other side, it was hard to establish which kind of “connection” could be given in the case of a free action, where the presence of the conditions does not make the presence of the conditioned immediately true. What at most could be conceded on the part of subject A was a greater “inclination” towards B rather than non-B, that is to say

⁷¹ See Suárez, *De Scientia conditionata futurorum contingentium*, cap. 7, § 3–4 (*Opera Omnia*, 11: 371–72); Franciscus Albertinus, SI, *Corollaria seu Quaestiones Theologicae* (Napoli: 1610), 4. princ., pars theol., q. 2; Francisco de Lugo, SI, *Theologia Scholastica in 1. partem D. Thomae* (Lyon: 1657), disp. 32: 336–37. The only defense of Molina’s “supercomprehension” I know is by Valentin Borull, SI, *Divina Scientia Futurorum Contingentium, praecipue media* (Lyon: 1656), disp. 2: 38.

⁷² Suárez, *De scientia conditionata futurorum contingentium*, cap. 5, § 1–4 (*Opera Omnia*, 11: 355–56).

⁷³ *Ibid.*, cap. 6, § 3–4 (*Opera omnia*, 11: 361–62). A quite different view on conditionals is proposed by Vázquez, *Prima pars Summae*, disp. 67, caput 4 (p. 263); Albertinus, *Corollaria*, expositio 4. principii; Pedro de Arrubal, *Commentaria et Disputationes in Primam Partem Divi Thomae* (Madrid: 1619), disp. 47, caput 4: 296–300, Diego Alarcón, SI, *Theologia Scholastica*, vol. 1 (Lyon: 1633), tract 2, disp. 4, cap. 2: 132.

a preference (a degree of probability) which reshapes the dimensions of indifference (contingence) without annulling it.⁷⁴

The difficulty was further increased by the fact that according to the theory of divine concurrence that which middle knowledge allows one to foresee is not the *complete event* the action gives place to, but rather a beginning of such an event that divine cooperation must bring to completion. How can these two seemingly irreconcilable plans be integrated? Suárez solved the problem by hypothesizing that God could apply middle knowledge to himself and to foreknowing his own future decrees (e.g. “if I place A in condition C, and A tries to do B, I will help him to do B”). This solution was accepted by many authors of a Suárezian mold, whereas others contested that “reflexive Middle Knowledge” was possible and did not harm the freedom of God and man.⁷⁵

Another solution was in contrast that of refusing the theory of indifferent concurrence and of postulating a God who directly decreed the verifying of event B, but through a decree in which knowledge is included that actor A will cooperate in verifying B. This solution is found in Vázquez, and various doctors will take it up by trying to give it formulations which do not render the role of actor A completely passive.⁷⁶ Moreover, in the years following 1630, the neo-Vázquezian position began to appear as being too close to another position that was emerging, namely the one proposed by the Scotists Smysing and Volpe da Montepeloso (“Montepilosus”), and later systematized by Bartolomeo Mastri, according to which God concurs with the creature through a *concomitant decree* which is already *intrinsically* accorded with the creature’s will without the need for middle knowledge.⁷⁷ The Jesuit scholars criticized this solution—from their point of view, the Scotist thesis implied an inexplicable “sympathy of freedoms” between God and the creatures (A. Young)—but a rather bitter debate developed between those of them who tended to approach

⁷⁴ Vázquez, *Prima pars Summae*, disp. 66, caput 4. On the evolution of this *Inklination-sparadigma*, see Knebel, *Wille, Würfel und Wahrscheinlichkeit*, 197–236.

⁷⁵ Suárez, *De scientia conditionata futurorum contingentium*, cap. 7, § 4–8 (*Opera Omnia*, 11: 371–73). On the widespread adversaries of the *scientia media reflexa*, see Knebel “Scientia Media,” 285–88.

⁷⁶ Vázquez, *Prima pars Summae*, disp. 67, cap. 4 (p. 262); Arrubal, *Commentaria ad Disputationes*, quaest. 46 (pp. 300–04); Ludovicus Turrianus [Luis de Torres], SI, *Diversa Opuscula Theologica*, vol. 1 (Lyon: 1624), op. 4, *disputatio 3, dubium 4* (pp. 185–90).

⁷⁷ See Jean-Pascal Anfray, “Prescience divine, décrets concomitants et liberté humaine d’après Bartolomeo Mastri,” in *Rem in seipsa cernere. Saggi sul pensiero filosofico di Bartolomeo Mastri (1602–1673)*, ed. Luca Forlivesi (Padova: 2006), 555–92, and moreover Forlivesi, *Gli scotisti secenteschi*, 266–81.

this model by reducing the role of middle knowledge, and all those who in contrast remained faithful to the Suárezian model.⁷⁸

Finally, among the anomalous positions that of certain Jesuits (Quirinus Salazar, Aegidius de Coninck, Francisco de Lugo) tried to solve the problem of the relationship between the *virtual* action of the creature and divine concurrence with a model based on Duns Scotus's *instantia rationis*, that is to say as a reciprocal improved relationship between two correlated processes, a perspective which Hentrich considers as heir to Valentia.⁷⁹ It had a certain resonance—Leibniz discusses it, albeit ironically, in his *Theodicy*—but it appears to have played a less influential role in the debate within the Society of Jesus.⁸⁰

As can be seen, in the debate on Middle Knowledge, the differences within the Society of Jesus were considerable. This is presumably due not only to the counter-position between “schools” (Suárezians, Vázquezians...), but also to the conflicts which periodically flared up on the theme of predestination and providence. This is revealed by the tensions which come to light on the question which is today called that of the *accidental necessity*. Most Jesuit doctors (first of all, Suarez and his followers, such as Ruiz de Montoya) denied that the creature's freedom of indifference was contradicted by the eternal and necessary foreknowledge of its acts by God. Such an assumption was subject to serried criticism made by Bernaldo de Aldrete, who claimed that contradiction exists. To Aldrete, in order of getting out of it, it was necessary to admit that the free creature can prevent God from having foreknowledge of his acts,

⁷⁸ The doctrine of the concomitant decrees is shared by Gaspar Ribadeneira, SI, *Tractatus de praedestinatione sanctorum et reprobatione impiorum* (Madrid: 1652), disp. 16–17. At the contrary, it is bitterly criticized by Antonio Bernaldo de Quiros, SI, *Cursus Philosophicus* (Lyon: 1666), disp. 89, q. 2, and Andreas Iunius [Andrew Young], SI, *De Providentia et Praedestinatione Meditationes Scholasticae* (Lyon: 1678), sect. 3, q. 9 (see mainly p. 254: “diversarum libertatum sympathia”).

⁷⁹ Ferdinandus Quirinus de Salazar, SI, *Pro Immaculata Deiparae Virginis Conceptione Defensio* (Madrid: 1618), cap. 24, § 59–61; Aegidius de Coninck [Gilles van Coninck], SI, *Commentaria et Disputationes in universam doctrinam D. Thomae de sacramentis et censuris* (Antwerpen: 1616), *quaestio* 77, art. 7; Lugo, *Theologia Scholastica*, disp. 32, caput 3 and 4. Their dependence on Valentia was already suggested by Alarcón, *Theologia Scholastica*, tract 2, disp. 2, cap. 6 (p. 106) and then by Hentrich, *Gregor von Valencia und der Molinismus*, 142–43.

⁸⁰ “Quelques uns enseignent qu'avant que la volonté se determine formellement, il faut qu'elle se determine virtuellement pour sortir de son état d'équilibre...” (Essais de Théodicée § 48: in G.W. Leibniz, *Die philosophischen Schriften*, vol. 6, 129). Leibniz's source is Ludovicus a Dola [Louis Béreur de Dole], *Disputatio Quadripartita de modo coniunctionis concursuum Dei et creaturae* (Lyon: 1634), pars 2, caput 3, 127.

restoring what in the Middle Ages had been called the free agent's *potestas ad praeteritum*, and which we now call "backward-causation": agent A can do non-B, even if God has foreseen that A will do B, but at the moment in which he will have done non-B, it will have been true from eternity that God has foreseen non-B.⁸¹ This doctrine is perhaps consistent with middle knowledge as such, but it is certainly inconsistent with divine foreknowledge of the exact number of the blessed and the condemned, accepted by "congruists," and it is inconsistent more generally with the post-Suárezian tendency to conceive the concession of grace as part of a systematic plan totally under God's control. Aldrete's work is presumably to be seen as a voice of opposition to these (so to say) "constructivist" interpretations of God's providence, and that could explain the violent attacks which his views later received from other Jesuits, such as Quiros and Young.⁸² In the closing years of the century, the disagreements among the "Molinists" themselves had evidently become no less profound than they were with the Dominicans and with the Jansenists.

3.2. *The Two Strategies of the Anti-Molinists*

If for the "Molinists" the serious problem was to explain God's knowledge of the counterfactuals of freedom, for the anti-Molinists there was the specular problem of justifying the scriptural passages in which God foresees the creatures' possible actions. Two passages were consistently referred to with regard to this area of discussion:

Then said David, O Lord God of Israel, thy servant hath certainly heard that Saul seeketh to come to Keilah, to destroy the city for my sake. Will the men of Keilah deliver me into his hands? Will Saul come down, as thy servant hath heard? O Lord God of Israel, I beseech thee, tell thy servant. And the Lord said, "He will come down". Then said David: "will the men of Keilah deliver me and my men into the hands of Saul?" And the Lord said "They will deliver you up". Then David and his men, which were about six-hundred arose and departed out of Keilah and went whithersoever they could go. And it was told Saul that David was escaped from Keilah, and he forebare to go forth (Samuel I, 23:10–13).

⁸¹ Bernardo de Aldrete, SI, *Commentariorum et Disputationum in Primam Partem D. Thomae, de Visione et Scientia Dei*, 2 vols. (Lyon: 1662), vol. 1, disp. 23 (pp. 305–15), disp. 27 (pp. 389–406). Aldrete's attempt seems to be much more radical than former ones (Albertini, Arrubal) and of actual ones such as Dekker, *Middle Knowledge*, 86–91.

⁸² Bernaldo de Quiros, *Cursus Philosophicus*, disp. 89, sectio 2, 3; Iunius, *De Providentia et Praedestinatione*, sectio 11, cap. 1–4.

Woe unto you, Chorozaïn! Woe unto thee, Bethsaida! For if the mighty works, which were one in you, had been done in Tyre and Sidon they would have repented long ago in sackcloth and ashes. But I say unto you, it shall be more tolerable for Tyre and Sidon at the day of judgment, than for you (Matthew 11:20; see also Luke 10:13).

These passages were crucial as they suggest that God has knowledge of possibilities of things which he has not *wanted* to happen. By what right, therefore, has he knowledge of it, if not because he has a prevolitional knowledge of the counterfactuals of freedom?

To the adversaries of Molinism, two directions remained open. The first, the more diffuse and in a certain way the “official” one, was that of claiming that God knows without doubt the “future conditionals” but he knows them because he knows the right “conditional decrees,” that is to say the choices that he could have made, determining in different ways the creatures’ will. This doctrine of the “conditional decrees” was elaborated more especially by the Mercedarian friar Francisco Zumel and received by nearly all the greater Dominicans.⁸³

This strategy has two points of difficulty, however. The first consists in its difficult application to the interpretation of the passages of Scripture we have quoted. Why does an omnipotent God who could make the Keilits act as he wishes decide that they betray David? And, even more dramatically, why does God vaunt his own capacity to convert the inhabitants of Tyre and Sidon before the inhabitants of Chorozaïn and Bethsaida that he has *decided* not to convert? In addition to these hermeneutical difficulties, the strategy of the “conditional decrees” does not appear without a certain gratuity. Why should God gratuitously “decree” something that he had decided not to let happen?

In reading Francisco Zumel, we see that he has an answer to this last question. For an author for whom no contingent proposition can be determinately true, without God “decreeing” its truth, God could not have an adequate idea of his own potentialities without making decrees on the possible, apart from the actual. Thus God must make decrees in order to know himself or, better, to have an *idea* of all his creatures. In short, the theory of the “conditional decrees” fills the *gap* existing between the

⁸³ Francisco Zumel, O. Merc., *In primam D. Thomae partem Commentarium* (1594; Venice: 1597), q. 14, disp. 8, 280–94, 353–60). See even Alvarez, *De Auxiliis Divinae Gratiae*, pars 2, Cap. 7–8, pp. 69–75; Lemos, *Panoplia Gratiae*, I, 2, caput 29, 277–95; Ioannes a Sancto Thoma [João Poinset], OP, *Cursus Theologicus* (1637; Lyon: 1663), q. XIV, *quaestio* 14, tract 2, 443.

thesis that the will of God is the truth-maker of all the contingent truths and the Platonic-type conception of a God who knows individuals by means of a purely speculative knowledge, a conception which had been made authoritative already by St. Bonaventure.⁸⁴ It is significant, however, that Zumel, albeit anticipating thus some important aspect of Leibnizian metaphysics (the “ideas” of individuals which precontain God’s possible decrees), did not reach the conclusion that the foreshadowing of these possibilities could help God choose the world to be created. It was the Suárezian Jesuit scholars who likened the conditional knowledge of God to a practical knowledge, by hypothesizing that it served for the optimal distribution of the occasions of grace, not their adversaries. In Leibniz, two lines are merged, so to speak, which had long seemed antithetical.

There were, however, also other anti-Molinists who chose a completely different direction—that of denying that God knew the “future conditionals,” or at any rate that he knew them all and immediately. This line was first followed by a Jesuit hostile to Molina (i.e. Enríque Henriques [or Enríquez]). In addition to Enríquez, the line was followed by the Dominican Pedro Ledesma and by other adversaries of middle knowledge.⁸⁵ Another Dominican, Baltasarre Navarrete, compared the future conditionals to some fictional beings, like the chimera.⁸⁶

Generally, it is all a matter of authors who remain faithful to the Thomist conception of foreknowledge as *visio in aeternitate*. It is the fidelity to this model which does not foresee space for the future conditionals that explains their choice. How then is it possible to justify the cases in which the Scripture attributes to God a knowledge of the nonactual possible? The solution of these authors consisted in attributing to God a constructed inference starting from the *dispositions* of the creatures. If God foresees that the inhabitants of Keilah will betray, it is because he

⁸⁴ Zumel, *Commentaria*, quaestio 14, disp. 8, 357: “Ergo, cum Deus facta determinatione suae voluntatis . . . se convertit ad contemplandam suam essentiam, divinasque ideas . . .”

⁸⁵ Henricus Henriques, SI, *Summa Theologiae Moralis* (1596; Venice: 1600), de fine hominis, cap. 4, 11–12; Petrus [Pedro] de Ledesma, OP, *Tractatus de Divinae Gratiae Auxiliis* (1596; Salamanca: 1611), disp. 3; Petrus [Pedro] Cabrera, O. Hieron., *In tertiam partem Sancti Thomae Aquinatis commentarii ac disputationes* (Cordoba: 1602), disp. 1.

⁸⁶ Baltasarre Navarrete, *Controversiae in Divi Thomae et eius Scholae Defensionem*, vol. 1 (Valledolid: 1605), controversia 56: 345–58. To Navarrete, God does not know the *possibilia* “formally” but rather “eminently,” that is to say as objects which do not belong to the divine thought but of which God can know at least the hypothetical consequences whenever given.

sees a preference *already present* in their hearts to betray.⁸⁷ It is indeed an interesting strategy because even today discussions continue among those who found the truth of the counterfactual conditionals on the “possible worlds” and those who found it on a realistic interpretation of individuals’ “powers” (i.e. dispositional properties). By adopting this second line, it derives quite clearly that *not all* the nonactual possibles possess a determined truth, but only those which express recognizable dispositions coherent with the laws of our world. It also ensues therefrom that the predictions on whose propensions they would be fulfilled by varying the actual conditions remain in the field of the probable more than in that of the certain. The frank admission of these consequences on the part of the actualists (more especially Ledesma) led the Jesuits to contest the limits which were thus placed on divine omniscience and the Dominicans to close the ranks behind the doctrine of the conditional decrees.⁸⁸ Yet we rediscover similar solutions also in subsequent authors, for example in the Cistercian Juan Caramuel, who tries to prove that the inference from the states of actual things to possible ones can have sufficient certainty to be attributable to God.⁸⁹

The presence of an open skepticism regarding the divine knowledge of nonactual possibles is more than a historiographical curiosity. Indeed, it makes us realize that the very idea of a divine knowledge of counterfactuals could be found repulsive not only on the ground of its commitment to Molina’s doctrine of freedom, but even because it suggested that the divine intellect was to some extent analogous with the practical human intellect. God’s knowledge of the *possibilia* was repugnant to the followers of the doctrine of God’s timeless knowledge of the future contingents—Henriques, Ledesma, Caramuel were followers of this doctrine—since this doctrine can furnish no place for a direct knowledge of abstract and incomplete entities by God’s purely intuitive intellect.

⁸⁷ Cf. Henriques, *Summa Theologiae Moralis*: “causae erant de se preparatae et nimis propensae nisi impedirentur. At non oportet ita extendi, ut infallibiliter praesciantur in causis creatis omnia futura conditionata...” (12).

⁸⁸ See Ledesma, *Tractatus de divina Gratia auxiliis*, 577: “Docet enim ista sententia, quod potest Deus per coniecturas aliquo modo cognoscere quid causa libera faceret...” See the critical remarks by Suárez, *Prolegomenon II: De scientia conditionata*, c. 1 (*Opera Omnia*, 7: 46–51); Alarcón, *Theologia Scholastica*, tract 2, disp. 4, c. 4, 136–37; Gabriel de Henao, *Scientia media historicé propugnata* (Rome: 1655), eventitatio 1.

⁸⁹ Juan Caramuel Lobkowitz, O. Cist., *Cursus Moralis Philosophicus Theologicus, sive Theologia Fundamental Moral* (Frankfurt am Main: 1652), thesis 6, 31.

On the other side, God's knowledge of the *possibilia* was repugnant even to the consequent upholders of the primacy of God's will—such as Bañez, for instance—since they saw the distinction between God's intellect and God's will as “a distinction of reason” more than a real distinction, given God's absolute *simplicity*.⁹⁰ Such an approach was not brought to its last consequences by the scholastic theologians. But someone else did. It was notoriously Descartes, with his doctrine of the “creation of eternal truths,” who arrived at this solution. Presumably, the question of middle knowledge was not in Descartes' mind when he established this surprising doctrine.⁹¹ Yet it could certainly be used against middle knowledge. Not only was the hypothesis eliminated in principle that independent possibilities are given but more especially by stating the total *equivocality* between human thought and divine thought it denied our finite intellect the possibility of constructing any doctrine around what could be omitted from the actual divine decrees.⁹² In brief, the case placed by “middle knowledge” was in fact resolvable only in two ways, both extraneous to the traditional conceptions of scholasticism. Either the analogy between divine intellect and the practical human intellect was fully accepted, or the distinction between intellect and will in God was totally abandoned, being considered as a leftover from anthropomorphism.

3.3. *Divine Concurrence with the Creature*

In 1632, in a work dedicated to disputing Gibieuf's book on freedom, the Jesuit Théophile Raynaud announced that another new adversary of Molinism also exists, that is to say a “Sequanus quidam Theologus” who attacked both Dominicans and Jesuits, siding instead with Pierre Auriol

⁹⁰ Bañes [*sic*], *Scholastica Commentaria*, quaest. 23, art. 1, 609 “secundum nostrum modum concipiendi, qui rem simplicissimam et infinitam non simplici conceptu, sed multis et imperfecte cognoscimus, necessario est distinguere divina quaedam attributa ad divinae essentiae unitatem pertinentia...”

⁹¹ Letter to M. Mersenne, 15 April 1630 (Adam-Tannery, vol. 1, 145), letter to Mersenne, 6 May 1630 (147), letter to Mersenne, 27 May 1630 (152); Answers to the Sixth Objections, 1641 (Adam-Tannery, vol. 7, 431–36), letter to Jean Mesland, 2 May 1644 (Adam-Tannery, vol. 4, 118–19).

⁹² Arnauld seems to refer to this view when in his dispute with Leibniz over his doctrine of possible worlds: “ce que nous appellons substances possibles, purement possibles, ne peut estre autre chose que la toute puissance de Dieu, qui estant un pur acte, ne souffre point qu'il y ait en luy aucune possibilité.” (Antoine Arnauld, letter to Leibniz of 13 May 1686, in Leibniz, *Die philosophischen Schriften*, vol. 2, 32). On Arnauld as follower of Descartes' theological “equivocism,” see Steven Nadler, *The Best of All Possible Worlds: A Story of Philosophers, God and Evil* (New York: 2008), Chapter 7.

and Durand de Saint-Pourçain, who had refuted God's concurrence with creatures' actions.⁹³ The *Thesis Theologica* reported by Raynaud was the first nucleus of the work *De modo coniunctionis concursuum Dei et creaturae*, composed by the Capuchin Louis Béreur de Dole, and published in 1634. With this a new party came on the scene of the already long polemic between the Molinists and the followers of "physical predetermination."

Béreur de Dole's book is disappointing. It starts out from the usual discussions on the conditionals of freedom and their truth-makers. The author admits that the counterfactuals of freedom have a determined truth and are knowable to God. This (quite Molinistic) doctrine would be endangered by the Jesuits themselves, when they state that the creature's action could not become real unless God cooperated therewith. Béreur de Dole is particularly opposed to Suárez and criticizes his doctrine of God's reflexive middle knowledge, the mainly deterministic outcomes of which are highlighted.⁹⁴ But the work is generally well informed about the internal disputes among Jesuits and Dominicans and is subtle in its polemic.⁹⁵ Yet what is not clear is Béreur de Dole's precise objective.

In fact, it fails to emerge from the book what the more reliable truth-makers are that could be found for the counterfactuals of freedom through the elimination of divine concurrentism. Béreur de Dole points out that God foresees them starting from his knowledge of both the actors and of the circumstances.⁹⁶ But this is a response which either leads to the *impasses* into which Molinists had already fallen, when trying to apply the scheme of causal knowledge (*scire per causas*) to free actions, or which falls back into the determinism of Durand who was a supporter of the "indifference of the intellect."

Yet his decision to solve the problem of evil by increasing the distance between God and the world was breaking new ground, and it survived the hard criticisms directed at the book from the Jesuits and the Dominicans. "Durand's way" was also defended by the erudite Jean de Launoy, by Gassendi's libertarian follower, Bernier, and by the Cistercian Caramuel.⁹⁷

⁹³ Raynaud, *Nova Libertatis Explicatio* (Paris: 1632) [*Opera Omnia*, Lyon: 1665–69, vol. 18, 1–133].

⁹⁴ Ludovicus a Dola, *Disputatio quadripartita*, pars 2, caput 3, 119–20.

⁹⁵ For instance, he represents Molinist views on concurrence as the creatures would present themselves "in the sight of God, requesting, demanding one concurrence rather than another" (*Ibid.*, pars 2, cap. 3, 127).

⁹⁶ *Ibid.*, pars 1, p. 31, p. 55.

⁹⁷ Jean de Launoy, *Syllabus rationum quibus causa Durandi de modo coniunctionis concursuum Dei et creaturae defenditur* (Paris: 1636); Caramuel, *Theologia Fundamental Moralitatis*, thesis 8, 34–41; Bernier, *Traité du libre et du volontaire*, 90–123.

Among the Protestants hostile to concurrentism were the followers of Claude Pajon (1626–86), pastor of Saumur, close to whom was Isaac Papin, who later will return to Catholicism. In 1686 Papin translated into French a treatise of the Anglican theologian Richard Baxter (1615–91), also favorable toward Durand, and convinced that, in their hearts, so too are the Jesuits.⁹⁸ Anti-concurrentist were also the so-called “Socinians,” the anti-Trinitarians, and even some Lutheran philosophers, such as the famous (and perhaps crypto-Socinian) Nicolaus Taurellus.⁹⁹

In this dissemination of “anti-concurrentism,” various ideas in fact coexisted. Some of the anti-concurrentists based divine foreknowledge on the predictability of the agent’s motivations (such as Papin) and were therefore compatibilists. There were also some strong libertarians, like Caramuel, for whom the Thomistic doctrine of the *visio in aeternitate* (which Durand had contested) was the only form of foreknowledge admissible. One element, however, served to level those anti-concurrentists. They were convinced that the perfection of the divine work is such as not to require—miracles apart—God’s direct intervention in the world. It was Caramuel, well before Leibniz, who was to wonder whether the better artisan is the one who produces a robot that moves by itself or the one which produces a device which needs to be moved from outside. The correct answer is—evidently—the first one.¹⁰⁰

Thus we may say that the reemerging of the theme of divine concurrence as a “hot” theme marks the transition to an age different from that in which Molina’s work had appeared, a new age in which—more than guaranteeing freedom of the will—the main problem becomes that of establishing some precise limits between the whole order of nature (including now human agency) and the direct action of God. The Béreur de Dole case shows that such an exigency could arise quite independently from the widespread of modern science. Indeed, it must be said that throughout the 17th century the new physics coexists very well with rigorous conceptions of divine concurrence, like that of the “new Cartesians,” La Forge

⁹⁸ Isaac Papin, *Essai de théologie sur la Providence et la Grace* (Frankfurt am Main: 1687). This edition includes a copy of Launoy’s *Syllabus* (372–409) and Papin’s translation of Richard Baxter’s treatise (410–532).

⁹⁹ Nicolaus Taurellus [Nikolaus Ochlein], *De rerum aeternitate* (Marburg: 1604). See Andreas Blank, “Existential Dependence and the Question of Emanative Causation in Protestant Metaphysics, 1570–1620,” in *Intellectual History Review* 19, 1 (2009): 1–13.

¹⁰⁰ Caramuel, *Theologia Fundamentalis Moralis*, 37; Bernier, *Traité du libre et du volontaire*, 103.

and Malebranche, who come back to claim that at least in the field of nature, “only God acts.”¹⁰¹

Yet these two opposing currents have a subtle element of convergence. Both conceive divine providence on the model of a systematic impersonal order. Despite the accusations of “continuous miracle” brought against them by Leibniz, the “new Cartesians” did not conceive the progress of the world as an illogical succession of unforeseeable miracles. In them, the divine “decree” had assumed the characteristics of generality and impersonality of the “law.”¹⁰² Thus one can conclude that both the new doctrines of God’s concurrence expressed an increasing propensity to conceive the God–world relationship according to the logic of a “system” governed by impersonal laws. This propensity was certainly strengthened by the diffusion of modern science. But, as the case of the “new Durandians” shows, this propensity could also arise from bare exigencies within moral theology. In fact, Molina’s very doctrine of concurrence had been born as a balance between two exigencies, that of depersonalizing the divine action as far as was sufficient to avoid God’s involvement in sin, and yet also that of maintaining a close direct cooperation between the creature and the Creator. The difficulties generated by the interminable Jesuits–Dominicans diatribe convinced some to pursue the first way exclusively in the hope that the more God was conceived as an architect or legislator bound to the respect of the rules which he gives to the system of the world, the less dramatic the problem of evil would have become. Despite the differences existing amongst them, many doctrines which appeared on the scene at the end of the 17th century shared this basic option.

CONCLUSIONS

At the end of the 17th century, it seemed that God the morally responsible “Father” had finally prevailed over the “Sovereign” God of theological absolutism. The last exponents of orthodox Calvinism (Pierre Jurieu) or of Jansenism (Antoine Arnauld, Pasquier Quesnel) saw adversaries rise up

¹⁰¹ See mainly Malebranche’s XV, *Eclaircissement à la Recherche de la Verité in Oeuvres Complètes*, vol. 3 (Paris: 1976), 216–25.

¹⁰² In Malebranche, this preference for impersonal laws is so strong as also to invade the terrain of the theology of grace, where the “laws of grace” are, more than the freedom of man, to explain why grace does not always prove to be efficacious. See mainly his *Traité de la Nature et de la Grâce*, I, § 44 (Malebranche, *Oeuvres Complètes*, vol. 5, 50–51). See Nadler, *The Best of All Possible Worlds*, Chapter 5.

against them who were very different from the Jesuits, but equally hostile to theological absolutism now perceived as dangerously close to Hobbesianism, if not to Spinozism. These new adversaries are not only rationalist philosophers like Malebranche and Leibniz. Also authors usually considered as “voluntarist,” like the Lutheran Samuel Pufendorf, use words (in polemic with Jurieu) which a few years before would have appeared as an unequivocal stamp of “Molinism”:

Concerning Divine Prescience, then it must be observ'd that altho' this is very clear, and cannot be deceiv'd, yet it lays no Necessity upon things, nor causes them to be... For the Production of Things is the Work of Power and Will, Prescience is the Work of the Understanding alone... Whence it must be said that the Act of the Intellect precedes in the Exercise of the Divine Mind, which represents the Possibility, or what may be done saving the Wisdom, Justice and the Holiness of God... He who hath given to the Creature the Liberty of determining its own Actions, why cannot he foresee these Determinations? For God who is from Everlasting, always immutably beholds all things as present, and from all Eternity he beholds the free Actions of his Creature, not as Decreed by himself, but as to be determin'd by the Creature.¹⁰³

This apparent victory of the moral God does not mark the victory of “Molinism.” This is not only because the new philosophers involved in these struggles will with their disputes capture that public attention that had once been held by the discussions between Jesuits and Dominicans (which they will pursue in the shadow of the schools of theology). The fact is that the entire theoretical panorama has changed, as shown by the fact that they are now the heirs to a “voluntarist” conception of God like Samuel Pufendorf or William King, to defend the freedom of indifference, while—conversely—the metaphysical rationalists reshape the dimensions of it in the name of the (moral) impossibility for any will to be withdrawn from the imperative of perfection or of happiness. In place of the conflict between the terrible God of theological absolutism and Molina’s paternal and rational one, a conflict begins to emerge between two *other* images of God, which seem to mix up the game of oppositions yet again. On one side there are the metaphysical rationalists with their *technically* rational God, an architect who projects our happiness by making use of our

¹⁰³ Samuel Pufendorf, *Jus feciale divinum sive de consensu et dissensu protestantium* (1695), §§ 72–76; English translation: *The Divine Feudal Law: Or, Covenants with the Mankind, Represented*, trans. Theophilus Dorrington, ed. Simone Zurbuchen (Indianapolis: 2002), 179–80.

very natural inclinations. On the other hand, some other authors begin to introduce a *purely moral* God (perhaps in some sense a *tragic* God), whose actual power on the world is not certain, since he leaves us the freedom to choose before the norms he proposes and whose decision to make us free cannot be justified in terms of future happiness, since it is no longer sure that freedom contributes to making us happy. Both these images of God—perhaps still present among us in a “secularized way,” according to how we conceive human history and political reality—are brought to the fore with the contribution of the long discussion on “Molinism.”

"LUDEWIG" MOLINA AND KANT'S LIBERTARIAN COMPATIBILISM

Wolfgang Ertl

While it is by now no longer extraordinary to interpret the philosophies of Descartes and Leibniz¹ in the context of early modern scholasticism and its four main strands² of Thomism, Scotism, Jesuit, and Protestant scholasticism, similar attempts in the case of Kant are at best a minority enterprise whose contribution to Kant scholarship is hardly taking center stage. To be sure, there have always been those who pointed out the importance of Iberian Jesuit early modern thought in particular for German School Philosophy as a whole (i.e. bridging the confessional divide),³ which in turn must be seen as an important context for Kant's own philosophical development. Drawing, to some extent at least, on certain trends in the so-called metaphysical Kant interpretation⁴ of the 1920s, Kant scholars in the line of Norbert Hinske and Giorgio Tonelli⁵ as well as those coming

¹ See for example Roger Ariew, *Descartes and the Last Scholastics* (Ithaca and London: 1999) and Tilman Ramelow, *Gott, Freiheit, Weltenwahl: Der Ursprung des Begriffes der besten aller möglichen Welten in der Metaphysik der Willensfreiheit zwischen Antonio Perez S.J. (1599–1649) und G.W. Leibniz (1646–1716)* (Brill's Studies in Intellectual History) 72 (Leiden et al.: 1997). For an account of this approach with regard to other philosophers in the wider context of early modern Aristotelianism also see Dominik Perler, "Aristotelismus in der frühen Neuzeit," *Philosophische Rundschau* 40 (2002): 273–89.

² See M.W.F. Stone, "Scholastic Schools and Early Modern Philosophy," in *The Cambridge Companion to Early Modern Philosophy*, ed. Donald Rutherford (New York: 2006), 299–327.

³ See Charles Lohr, "Metaphysics," in *The Cambridge History of Renaissance Philosophy*, ed. Charles B. Schmitt et al. (New York: 1988), 620–21 and, for a general account of this tradition, Charles Lohr, "Hispanic Scholastic Philosophy," in *The Cambridge Companion to Renaissance Philosophy*, ed. James Hankins (New York: 2007), 250–69.

⁴ Which is by no means restricted to the peculiar shape this line of reading Kant took in Heidegger, but who is often regarded as having provided the paradigm of such an interpretation. For a comprehensive account of this reading of Kant see Christian Baertschi, "Die deutsche metaphysische Kantinterpretation der 1920er Jahre" (Dissertation, University of Zurich: 2004).

⁵ Particularly influential have been Norbert Hinske, *Kants Weg zur Transzendentalphilosophie: Der dreißigjährige Kant* (Stuttgart: 1970) as well as Giorgio Tonelli, *Kant's Critique of Pure Reason within the Tradition of Modern Logic: A Commentary on its History* (Hildesheim et al.: 1994) and Giorgio Tonelli, *Da Leibniz a Kant: Saggi sul pensiero del settecento* (Naples: 1987). Francesco Valerio Tommasi, *Philosophia transcendentalis: La questione antepredicativa e l'analogia tra la Scolastica e Kant* (Florence: 2008), 2–5 provides a short overview and Marco Sgarbi, "Kant e la filosofia trascendentale scolastica," *Giornale Critica della Filosofia Italiana* 92 (2011): 163–76 a detailed survey of the pertinent literature.

from an interest in medieval philosophy and its legacy such as Etienne Gilson and Ludger Honnefelder⁶ have tried to connect Kant's critical enterprise in one way or another to scholastic thought of the medieval and early modern era. Research in this field tends to focus on Kant's transcendental approach and its connection to the tradition, although it needs to be said that there is possibly also a lot more to uncover in practical philosophy as well.

Helped by a growing body of detailed scholarship in university history which could establish that the Albertina in Königsberg had actually been a center of both the scholastic and the Renaissance variant of Aristotelianism until the early decades of the 18th century,⁷ there have been a number of attempts to find something like the "missing link" between the Iberian Jesuits and Kant. In this vein, it has been suggested that there is a direct line from the conceptions of the transcendentals in Francisco Suárez⁸ and Sebastián Izquierdo,⁹ or from the core strategy in the account of being in Suárez¹⁰ to the respective doctrines of Kant. Some see Abraham Calov, arguably the most important Königsberg philosopher before Kant, as the crucial mediator,¹¹ others mention Franz A. Aepinus.¹²

⁶ Etienne Gilson, *L'Être et l'Essence*, 3rd ed. (Paris: 2000) told a story of decline, while Ludger Honnefelder, *Scientia transcendens: Die formale Bestimmung der Seiendheit und Realität in der Metaphysik des Mittelalters und der Neuzeit* (Paradeigmata) 9 (Hamburg: 1990) and Ludger Honnefelder, "Metaphysics as a Discipline: From the 'Transcendental Philosophy of the Ancients' to Kant's Notion of Transcendental Philosophy," in *The Medieval Heritage in Early Modern Metaphysics and Modal Theory, 1400–1700*, ed. Russell Friedman and Lauge O. Nielsen (Dordrecht: 2004), 53–74 stresses the continuity between the Scotist and Kantian transcendental philosophy and regards Suárez primarily as a mediator. Rolf Darge, *Suárez' transzendente Seinsauslegung und die Metaphysiktradition* (Studien und Texte zur Geistesgeschichte des Mittelalters) 80 (Leiden: 2004), by contrast, emphasizes the independence of Suárez's contribution. See 1–29 for an invaluable overview of the discussion of recent years.

⁷ See, for example, Riccardo Pozzo, "Aristotelismus und Eklektik in Königsberg," in *Die Universität Königsberg in der Frühen Neuzeit*, ed. Manfred Komorowski and Hanspeter Marti (Cologne et al.: 2008), 172–85. Marco Sgarbi, *Metafisica e logica nel Kant precritico: L'ambiente intellettuale di Königsberg e la formazione della filosofia kantiana* (Frankfurt: 2011) has provided a comprehensive reconstruction of the intellectual context within which Kant's thought emerged.

⁸ Jean-François Courtine, *Suarez et le système de métaphysique* (Paris: 1990), 435.

⁹ Piero Di Vona, *L'ontologia dimenticata: Dall' ontologia spagnola alla Critica della ragion pura* (Naples: 2009), 100.

¹⁰ Olivier Boulnois, *Être et représentation* (Paris: 1999), 493–504.

¹¹ Marco Sgarbi, "Abraham Calov and Immanuel Kant: Aristotelian and Scholastic Traces in the Kantian Philosophy," *Historia Philosophica* 8 (2010): 55–62.

¹² Tommasi, *Philosophia transcendentalis*, passim.

In what follows, I shall try to explore the—in a manner of speaking long-distance—impact of another key Iberian early modern scholastic, who has in this respect at least so far not received the attention he deserves, namely Luis de Molina and his *Concordia*.¹³ As I shall explain in more detail below, attention will be restricted to certain aspects of the problem of human freedom, in particular to the so-called compatibility question. Clearly though, the way the problem of freedom is conceived, especially as far as the potential threat to human freedom is concerned and by virtue of what the compatibility question arises, is rather different in Molina and Kant. Whereas Molina takes his departure from Aquinas's question as to whether God's knowledge is the cause of things¹⁴ and hence, together with his activity based on it, also of human actions which in the final analysis may therefore, strictly speaking, not count as *their* actions, Kant's problem—although the old question is still present in the critical works¹⁵—is that of the determinism of natural efficient causality. That said, I will nevertheless try to show that Kant's strategy to establish the compatibility thesis can meaningfully be called an adaptation of Molina's. Parallels between the two have been noted in the contemporary discussion of the free will problem, but without insinuating any historical link.¹⁶

Overall, I should like to take the following line of interpretation and my view can be summed up by the following eight theses: (i) Kant was, albeit indirectly, familiar with Molina's doctrine of divine knowledge, but along the way of its transmission this doctrine had been altered in a crucial manner. (ii) What Kant has to say in his criticism of this doctrine in no way undercuts Molina's core intentions. (iii) Kant adapted Molina's original strategy and as far as this adaptation is concerned, Leibniz played a crucial part as a mediator, who had criticized Molina's account on several dimensions, such as Molina's emphasis on freedom of indifference and his conception of *scientia media* as the crucial device for divine knowledge of future free human acts. (iv) Leibniz's own strategy, based on the notion of

¹³ Ludovici Molina, *Liberi arbitrii cum gratiae donis, divina praescientia, providentia, praedestinatione et reprobatione Concordia*, ed. crit. cur. Iohannes Rabeneck, SI (Oña and Madrid: 1953).

¹⁴ STh. Ia q. 14 art. 8.

¹⁵ E.g. Immanuel Kant: *Kritik der praktischen Vernunft*, AA V, 100. With the exception of the *Kritik der reinen Vernunft*, references to Kant are to the volumes and pages of the Akademie-Ausgabe ("AA"), i.e. *Immanuel Kant's gesammelte Schriften*, ed. königlich preußischen Akademie der Wissenschaften [und ihren Nachfolgern] (Berlin: 1900–).

¹⁶ See Derk Pereboom, "Kant on Transcendental Freedom," *Philosophy and Phenomenological Research* 73 (2006): 557–58.

the complete concept of a monad, was meant to rectify the shortcomings of Molina's account of divine knowledge, as Leibniz saw it. (v) At the same time, Leibniz's strategy paved the way for a transformation of the problem of human freedom in the context of his theory of *phenomena bene fundata*, according to which features on the level of phenomena (insofar as they are the object of human cognition) supervene on features of monads as substances in the proper sense of the term. (vi) On the one hand, Kant criticized this Leibnizian theory, but on the other he subscribed to it—not without a crucial alteration, though—in the case of rational agents. For Kant, there is real efficient causality on the level of phenomena, and transcendental idealism is meant to provide room for the assumption that the free agent and her causality is in this sense a *phenomenon bene fundatum*. (vii) The idea of God shifts to the periphery in this process. For Kant, it serves to give an account of the supervenience mechanism, in terms of which the dependency of the laws of nature on something *noumenal* is explicable to some extent. The question as to how divine knowledge is possible, by contrast, lies beyond what can be known for Kant. (viii) Within the practical context Kant assumes, just as Molina did, that there is a similarly restricted sovereignty over the creation on the part of God.

These theses shall be unfolded in the following five sections. In section II, I will discuss a number of preparatory issues as to the correct label of Kant's position with regard to the compatibility question as well as the main difficulties with regard to Kant's argument for the compatibility thesis. In doing so, it takes the first step in establishing a link between Molina and Kant, albeit only in an ahistorical manner of a mere comparison. Then, in section III, Baumgarten's account of divine knowledge, which is both indebted to Molina and serves as Kant's reference in his lectures on metaphysics and on natural theology will be discussed, thus elucidating his stance towards this tradition. Section IV is concerned with Leibniz's mediating role within the transformation of the compatibility problem from a theological to a metaphysical problem with regard to natural efficient causality. Finally, section V will address the problem as to whether Kant's position with regard to the notion of providence in the lectures on natural theology can be considered as part of Kant's, as it were, official critical solution of the compatibility problem. The notion of providence in the lectures is the very device which is meant to explain the derivative status of the laws of nature and their dependency on human freedom. This, in turn, is the core element of Kant's argument for the compatibility thesis. I need to emphasize again that a comparison of Molina's and

Kant's accounts of human freedom in terms of philosophical psychology in general and the respective doctrines of faculties or capacities in particular are beyond the scope of this chapter.

I. KANT'S COMPATIBILISM, PRELIMINARIES

I should like to discuss briefly the question of the appropriate label for Kant's position on the compatibility question.¹⁷ Kant's position on freedom and natural causal determinism has been considered difficult to classify along the lines of the pertinent categories, because it combines elements of classical compatibilism and incompatibilism. It shares the assumption of compatibilism that the determinism thesis and the freedom thesis are compatible, but it draws on a conception of freedom which is stronger than, or at any rate different from, that of typical compatibilist positions in that it includes—although this raises difficulties in its own right by virtue of certain passages in Kant's critical œuvre¹⁸—something similar to the principle of alternate possibilities according to which it is a necessary condition for the freedom thesis to be true that the agent could have acted otherwise: for Kant, at least as his standard examples indicate, any free agent could have refrained from committing a morally wrong act.

The principle of alternate possibilities, in turn, is often regarded as the hallmark of incompatibilist positions. True, there have been attempts by some compatibilists to accommodate this principle by drawing on a conditional analysis,¹⁹ according to which "could have acted otherwise" just means "would have acted otherwise, if the agent had ϕ ed," with "chosen" being the primary candidate for " ϕ ." Kant's conception of "could have acted otherwise," however, again seems to be much stronger than, or at any rate different from, such a conditional analysis. Whereas this conditional

¹⁷ See also Simon Shengjian Xie, "What Is Kant: A Compatibilist Or An Incompatibilist? A new interpretation of Kant's solution to the free will problem," *Kant-Studien* 100 (2009): 53–76, and Henry E. Allison, *Idealism and Freedom: Essays on Kant's Theoretical and Practical Philosophy* (Cambridge: 1996), 201–02 n. 4 for a discussion of these terminological issues.

¹⁸ Such as his claim in *Die Metaphysik der Sitten*, AA VI, 226 that freedom of choice cannot be defined as a "Vermögen der Wahl, für oder wider das Gesetz zu handeln, (*libertas indifferentiae*)." However, this only suggests that there may be an asymmetry with regard to morally good and bad actions.

¹⁹ A concise discussion of this strategy, made prominent by G.E. Moore, can be found in Bernard Berofsky, "Ifs, Cans, and Free Will: The Issues," in *The Oxford Handbook of Free Will*, ed. Robert Kane (New York: 2002), 181–201.

analysis usually takes the set of the valid natural laws as stable and as the background which underwrites the respective capacities against which a different action would have occurred, had the agent ϕ ed, Kant's take on the principle of alternate possibilities distributes these different possible actions over different sets of natural laws.²⁰ Hud Hudson recently tried to account for this element by drawing on a counterfactual analysis in his attempt to read Kant as anticipating something like Davidson's anomalous monism. In this reading the agent could have acted otherwise in the sense that had she acted otherwise, the laws of nature would have been different.²¹ However, passing this counterfactual test is only a necessary condition for an interpretation of Kant's position to succeed, because this test is neutral as to whether the pertinent laws of nature are dependent on the agent or on factors external to him. At any rate, it is correct to consider Kant as an "altered law-compatibilist."²² This is crucial to meet the objection that in virtue of the causal closure of the world of appearances, Kant must either opt for systematic over-determination of acts of freedom or concede that everything nonphenomenal must be causally inert as far as phenomena are concerned. Accordingly, a philosophical analysis of human freedom in Kant's sense needs to link human freedom with the laws of nature in a stronger sense and make the latter—in a sense to be specified—dependent on or derivative to this freedom.

To bring out the hybrid nature of Kant's position, it has been suggested to regard it as a form of higher-order compatibilism, insofar as Kant supposedly tried to show the compatibility of compatibilism and incompatibilism itself.²³ Arguably, though, there is a label which is even more true to the gist of Kant's seemingly paradoxical idea, and this is "libertarian compatibilism,"²⁴ since it highlights the very conception of freedom

²⁰ Kant argues in *Kritik der reinen Vernunft*, A 556/B 584 that an agent could have acted differently in the sense that he could have had a different empirical character, and "character" is described as a "Gesetz (der) Kausalität" of a "wirkende Ursache" (ibid., A 539/B 567). References are to Immanuel Kant: *Kritik der reinen Vernunft*, nach der ersten und zweiten Originalausgabe neu herausgegeben von Jens Timmermann (Hamburg: 1998).

²¹ Hud Hudson, *Kant's Compatibilism* (Ithaca: 1994), 49–56. See Wolfgang Ertl, "Hud Hudson: Kant's Compatibilism," *Kant-Studien* 90 (1999): 371–84 for a more comprehensive discussion of Hudson's suggestion.

²² See David Lewis, "Are We Free to Break the Laws?" *Theoria* 47 (1981): 113–21 for a classic account of this position.

²³ Allen W. Wood, "Kant's Compatibilism," in *Self and Nature in Kant's Philosophy*, ed. Allen W. Wood (Ithaca: 1984), 74.

²⁴ This term has been coined, albeit not at all with reference to Kant, by Kadri Vihvelin in her paper "Libertarian Compatibilism", *Noûs* 34 (2000), Supplement 14, 139–166. Vihvelin argues that key intuitions of libertarianism and compatibilism can consistently be upheld at the same time.

which Kant intends to square with causal closure. To be sure, Kant generally uses examples of immoral actions to underscore the importance of the possibility of refraining from them, and it is not at all obvious whether he thinks that something similar must hold for moral actions. In any case, since the possibility of refraining from acting (i.e. what has traditionally been called *libertas executionis*) is in some cases required and since, as a case of the principle of alternate possibilities, this requirement needs to be squared with physical determinism, it is precisely the label which will be used in what follows.

After clarifying the nature of Kant's position with regard to the compatibility question, we can now turn to Kant's argument and the core of his strategy. The—in a manner of speaking—"natural" place to start the investigation is the 3rd antinomy²⁵ and its solution²⁶ in the cosmology section of the transcendental dialectic of the *Kritik der reinen Vernunft*. The first puzzle every reader encounters when trying to make sense of what Kant is getting at is that there seems to be a curious shift of the questions at issue. Whereas in the thesis and antithesis the topic Kant is discussing is clearly the question as to whether the world has been created freely by a God understood roughly along the lines of classical theism, the topic he is concerned with in the solution to the 3rd antinomy is obviously human, or as we might also wish to say, inner-worldly freedom, although some commentators claim to see some traces of the original question in the sections in which he presents his official solution as well.²⁷ The most common response to this puzzle is a quite radical one: in a rather cavalier attitude to the apparent oddities of Kant's way of writing, the relevance of the "cosmological route"²⁸ into the question of human freedom is dismissed out of hand and instead we are invited to consider Kant's solution to this question in its own right, forgetting the way in which he got there.

But this strategy is prone to lead us astray, making it likely to miss important hints in the text as to how his solution is supposed to work in the first place. One of Kant's central claims is a case in point. He holds that the human being knows ("erkennt")²⁹ herself through mere apperception

²⁵ Kant, *Kritik der reinen Vernunft*, A 444–451/B 472–80.

²⁶ Kant, *Kritik der reinen Vernunft*, A 532–558/B 560–86.

²⁷ E.g. Heinz Heimsoeth, *Transzendente Dialektik: Ein Kommentar zu Kants Kritik der reinen Vernunft 2* (Berlin: 1967), 341.

²⁸ Jonathan Bennett, *Kant's Dialectic* (Cambridge: 1974), 189.

²⁹ Kant, *Kritik der reinen Vernunft*, A 546/B 574. To be sure, all the workings of these faculties are cognized in time, but this corresponds to Kant's claim that the form of inner sense is in-between our cognition and the real self (see *ibid.*, A 22/B 37). The point will be that with regard to rational agents there is supervenience of what occurs in time on

insofar as the activity of certain faculties are concerned which we do not take to be receptive. In the *Kritik der praktischen Vernunft* he connects this mode of self-cognition to conscience within which we pass judgments on acts of the past, as if they were present.³⁰ The human self-cognition he has in mind here is in some respects similar and related to a form of knowledge God has traditionally been held to have with regard to free future human actions. God, scrutinizing the corresponding idea of the rational agent in his mind, has been taken to be similarly exempted from the restrictions of time. To be sure, Kant does not purport that we have full-scale divine knowledge of ourselves as agents since he is adamant to point out that we are unable to scrutinize our own heart nor to predict our actions (and tend to put ourselves into too bright a light). The *tertium comparationis* here is that our existence as agents which is temporally extended is in some contexts not only regarded in abstraction from its temporal structure, but that the order in which the temporal existence unfolds is taken to be derivative to the workings of those nonreceptive faculties such as the intellect, in virtue of which we can count ourselves as *noumena* or things in themselves.³¹ This allusion to divine knowledge indicates that we ignore the “cosmological route into the question” at our own peril.

The second stumbling block that the reader and interpreter of Kant’s solution to the 3rd antinomy encounters is a claim which we find in passages like the following:

In allem diesem verfährt man, wie überhaupt in Untersuchung der Reihe bestimmender Ursachen zu einer gegebenen Naturwirkung. Ob man nun gleich die Handlung dadurch bestimmt zu sein glaubt: so tadelt man nichts destoweniger den Täter, und zwar nicht wegen seines unglücklichen Naturells, nicht wegen der auf ihn einfließenden Umstände, ja so gar nicht wegen seines vorhergeführten Lebenswandels, denn man setzt voraus, man könne es gänzlich bei Seite setzen, wie dieser beschaffen gewesen, und die verflossene Reihe von Bedingungen als ungeschehen, diese Tat aber gänzlich unbedingt in Ansehung des vorigen Zustandes ansehen, als ob der Täter damit eine Reihe von Folgen ganz von selbst anhebe. Dieser Tadel gründet sich auf ein Gesetz der Vernunft, wobei man diese als eine Ursache ansieht, welche das Verhalten des Menschen, unangesehen aller genannten empirischen Bedingungen, anders habe bestimmen können und sollen.³²

something nontemporal. At any rate, those faculties themselves are not receptive and hence the awareness of their activities is not a matter of experience.

³⁰ Kant, *Kritik der praktischen Vernunft*, AA V, 98–99.

³¹ Kant, *Kritik der praktischen Vernunft*, AA V, 99–100.

³² Kant, *Kritik der reinen Vernunft*, A 554–55/B582–83: “In all this one proceeds as with any investigation in the series of determining causes for a given natural effect. Now even

Reduced to its bare essentials, Kant claims that although what happened in the past is no longer in the hands of the agent, and although these antecedent conditions by virtue of the laws of nature determine the action in question, we rightly (as Kant intends to show) assume that the agent could have acted otherwise at the time in question. In other words, the laws of nature do not transfer our causal inability to change the past into our inability to refrain from committing an immoral act at the respective time of the action. For this to work, there are two options, namely the special laws of nature are not necessary in a sufficiently strong sense, or pertinent closure principles are invalid.³³ In any case, this denial may have embarrassed or even angered not a few of even the most sympathetic of his readers. Although according to Kant, transcendental idealism is supposed to render this coherent, commentators such as Strawson insisted that Kant deviated from the correct critical solution, which in

if one believes the action to be determined by these causes, one nonetheless blames the agent, and not on account of his unhappy natural temper, not on account on the circumstances influencing him, not even on account of the life he has led previously; for one presupposes that it can be entirely set aside how that life was constituted, and that the series of conditions that transpired might not have been, but rather that this deed could be regarded as entirely unconditioned in regard to the previous state, as though with that act the agent had started a series of consequences entirely from himself. This blame is grounded on the law of reason, which regards reason as a cause that, regardless of all the empirical conditions just named, could have and ought to have determined the conduct of the person to be other than it is." Immanuel Kant: *Critique of Pure Reason*, trans. and ed. Paul Guyer and Allen W. Wood (Cambridge: 1996), 544.

³³ Why exactly the transfer fails according to Kant is a matter of how we read his attack on an argument which purports to establish that it does. Basically, there are two options, the argument can fail (i) on formal grounds or (ii) because of a false premise. Attempts to see how Kant's strategy manages to undercut van Inwagen's consequence argument choose option (ii), but it is perfectly possible to construe a parallel case with regard to (i). In the (modal version of) van Inwagen's consequence argument (see Peter van Inwagen, *An Essay on Free Will* [Oxford: 1983], 56) the thesis of the so-called unavoidability of the laws of nature enters as a premise, which is then shown to be false on a certain interpretation of "unavoidability" within the Kantian framework. Alternatively, the laws of nature may be said to enter the argument indirectly, i.e. in the form of an operator for natural necessity, and one may then question whether necessity is closed for certain logical operations and for certain constellations of necessity, i.e. with different forms of necessity involved, or whether and in what sense powerlessness with regard to the past or its accidental necessity gets transferred through natural necessity. For an interpretation along the lines of (ii) see Wolfgang Ertl, *Kants Auflösung der "dritten Antinomie": Zur Bedeutung des Schöpfungskonzepts für die Freiheitslehre* (Symposion) 110 (Freiburg: 1998), 202–53 and Wolfgang Ertl, "Schöpfung und Freiheit: Ein kosmologischer Schlüssel zu Kants Kompatibilismus," in *Kants Metaphysik und Religionsphilosophie*, ed. Norbert Fischer (Hamburg: 2004), 43–76 as well as Eric Watkins, *Kant and the Metaphysics of Causality* (Cambridge: 2005), 301–61, for (i) Wolfgang Ertl, "Persons as Causes in Kant," in *The Unity of Human Personhood*, ed. Stephen R. Palmquist (Berlin: 2010), 217–30. In what follows, I shall mainly draw on (i), but essentially, to repeat, (i) and (ii) amount to the same thing.

their mind must be the position of the antithesis according to which the transfer of the freedom-undercutting features of the past does in fact occur.³⁴ Strawson is right insofar as transcendental idealism seems to imply that everything which happens in space and time is determined by entities in space and time. The question to be asked, however, is whether this in itself is incompatible with freedom, which Kant, plainly, is denying. Unlike Strawson, for whose new compatibilism the freedom and the determinism thesis are both indispensable for human cognition regardless of their theoretical incompatibility,³⁵ Kant wishes to go one step further and establish their co-tenability on theoretical grounds. In fact, Kant claims the way we proceed in our ordinary moral cognition *de facto* is a form of libertarian compatibilism and transcendental idealism is required to render this coherent.

Nonetheless, it is precisely these two stumbling blocks considered together (i.e. a combined treatment of human freedom and creation and the denial of the transfer of freedom-undercutting features of the past), which can lead us to a new reading of Kant's strategy, which not only has his own account appear in a much more convincing light, at least as far as consistency is concerned, but which also is of no little importance for the contemporary debate on freedom and determinism. We find a strikingly similar combination of these two stumbling blocks in the medieval and early modern discussion of human freedom which still resonates in the theology section (i.e. §§ 800–1000) of Alexander Gottlieb Baumgarten's *Metaphysica*, one of the very textbooks Kant was using in his lectures on metaphysics and natural theology.³⁶ Now, even if this basically theological

³⁴ Peter F. Strawson, *The Bounds of Sense: An Essay on Kant's Critique of Pure Reason* (London: 1966), 209.

³⁵ See Peter F. Strawson, "Freedom and Resentment," in Strawson, *Freedom and Resentment and Other Essays* (London: 1974), 1–25.

³⁶ Kant discussed natural theology (mainly on the basis of section IV of Alexander Gottlieb Baumgarten: *Metaphysica*, 4th ed. [Halle: 1757] reprinted in: AA XV, 5–54 and XVII, 5–206) in the lecture courses on metaphysics, which he delivered around 50 times in his academic career. Only on a few occasions he dedicated a separate lecture course to this topic, namely in 1774, 1783/84, 1785/86, and 1787, with the latter three being periods of crucial importance for Kant when he was preparing the *Groundwork*, the second edition of the first *Critique* and the second *Critique* respectively. There are in all five extant variants of the students' notes essentially of the 1783/84 version, four of which have been included in the academy edition, namely the so-called "Philosophische Religionslehre (nach Pölitz)" (XXVIII, 989–1126) (which, incidentally, is the only version that has been translated into English), the "Danziger Rationaltheologie nach Baumbach" (XXVIII, 1227–1319), the "Natürliche Theologie Volckmann nach Baumbach" (XXVIII, 1127–1226) and the "Vernunft-Theologie Magath" (XXIX, 1053–1077). For information on the fifth version, i.e.

discussion may sound like an utterly unlikely source for a Kantian account of human freedom, it is worth trying to avoid being overly distracted by what may turn out to be unfounded preconceptions.

The pertinent paragraphs in the *Metaphysica* are §§ 874–76 in which Baumgarten and thus Kant discuss a theory which has its origin in Luis de Molina and Petrus Fonseca, though neither Baumgarten nor Kant are mentioning these by name. Molina, arguably the more famous of the two, developed his theory in his *Concordia*, one of the most controversially debated and most intensely scrutinized books in the late 16th and early 17th century.³⁷ The *Concordia* originated in a commentary on several articles of *quaestiones* of the first part of Thomas Aquinas's *Summa theologiae* (i.e. STh. Ia q. 14 art. 8, art. 13; q. 19 art. 6; q. 22 art. 1–4; q. 23 art. 1–5), dealing mainly with the issues of divine knowledge, providence, and human freedom. Molina assumed that God is not the only cause in the universe and hence that there are genuine secondary causes³⁸ (viewed as substances) some of which are equipped with libertarian freedom (i.e. have a will and the ability to act otherwise). In this vein, the term "libertarian compatibilism" is rather fitting for Molina as well, although against the background of a different potential threat to human freedom: according to Molina this freedom is neither undercut by God's perfect knowledge nor by his causal activities with regard to the world. In the aftermath of the debates of the reformation Molina put a particular emphasis on the problems of divine

"an-Coing," see Lothar Kreimendahl, "Kants Kolleg über Rationaltheologie: Fragmente einer bislang unbekannten Vorlesungsnachschrift," *Kant-Studien* 79 (1988): 318–28. A particularly helpful tool for comparing the first three versions is Kant's *Vorlesungen über die philosophische Religionslehre*, ed. Kurt Beyer (Halle: 1937), which takes the Pölitz text as the point of reference, although it does not consider Magath and an-Coing yet. A detailed comparison of these versions of the crucial points at issue is beyond the scope of this chapter. Suffice it to say that an-Coing and Danzig are generally taken to stem from one set of notes of the 1783/84 course, while Volckmann and Pölitz are taken to stem from a different set of notes of this course. In what follows, I will stick to the Pölitz text. For a comprehensive account of the lectures in general see Steven Naragon, "Kant in the Classroom," <http://www.manchester.edu/kant> (2 August 2007).

³⁷ For background information and extended discussion of Molina's strategy see Alfred Freddoso, "Introduction," in *Luis de Molina: On Divine Foreknowledge (Part IV of the Concordia)*, ed. Alfred Freddoso (Ithaca: 1988), 1–81, Linda Trinkaus Zagzebski, *The Dilemma of Freedom and Foreknowledge* (New York: 1991), 125–52, Eef Dekker, *Middle Knowledge*, (Studies in Philosophical Theology) 20 (Leuven: 2000) as well as William Hasker, David Basinger, and Eef Dekker (eds.), *Middle Knowledge: Theory and Application* (Contributions to Philosophical Theology) 4 (Frankfurt et al.: 2000).

³⁸ Alfred Freddoso, "Medieval Aristotelianism and the Case against Secondary Causation in Nature," in *Divine and Human Action: Essays in the Metaphysics of Theism*, ed. Thomas V. Morris (Ithaca: 1988), 74–118.

grace and its alleged irresistibility. He did not deny that grace was necessary for human salvation, but he advocated the importance of human freedom with respect to the efficiency of grace as well. Grace, according to Molina, requires free human cooperation to unfold its efficiency, a doctrine which conflicts with both the Protestant (there are some exceptions though, namely the breakaway Calvinist movement of the Remonstrants for example) and the Aquinian orthodoxy and which earned Molina the charge of holding Pelagian or at any rate so-called semi-Pelagian views.

There is much more contents in the *Concordia*, but the fact that Alfred Freddoso's magisterial translation of its fourth (of seven) part³⁹ is now dominating the discussion, in particular within the contemporary philosophy of religion, usually narrows down the perspective from which Molina is read. This development can lead to possible distortions when we consider whether it is appropriate to apply the label "Molinist" to later theorists. In this chapter, therefore, the question as to whether we can find Molinist doctrines in Kant's take on the compatibility question will be restricted to the issue of human freedom and its compatibility with allegedly necessitating factors such as divine knowledge, concurrence, and the influence of secondary causes on the free agent with, however, the explicit exclusion of the topic of grace. With regard to the latter, suffice it to say that, at first view, it may appear as though Molina's claims about grace should be perfectly suitable for Kant's theory of autonomy. However, taking into consideration what Kant actually says about grace, in particular in the remark following the fourth piece of the *Religion innerhalb der Grenzen der bloßen Vernunft*, things begin to look less clear. Kant concedes the theoretical possibility that there needs to be divine assistance in acquiring a firm virtuous disposition,⁴⁰ but he does not discuss the question as to whether this assistance is irresistible or not, apparently taking it to lie beyond the realm of human knowledge.⁴¹ Even though he considers the practical consequences of certain religious attitudes or convictions at length, Kant does not do so with regard to the belief in the irresistibility of grace. All he maintains is that we have to act as though

³⁹ Luis de Molina: *On Divine Foreknowledge (Part IV of the Concordia)*, trans. with an Introduction and Notes by Alfred J. Freddoso (Ithaca: 1988).

⁴⁰ See Kant, *Die Religion innerhalb der Grenzen der bloßen Vernunft*, AA VI, 191 where he also considers it "daring" to assume the idea of a divine assistance for practical purposes. For a discussion of these issues see Peter Byrne, *Kant on God* (Aldershot: 2007), 139–52.

⁴¹ Cf. Kant, *Religion*, AA VI, 143.

being virtuous depended solely on us in order not to fall prey to an attitude of passivity.⁴²

There have been two editions of the *Concordia* from Molina's own hand, with the second including major additions. The first edition was published in Lisbon in 1588, the second one in Antwerp 1595, and this was basically reissued there in 1609.⁴³ So much very briefly for the historical background and overall content of the *Concordia*, and now we can move on to giving a brief sketch of its main ideas regarding human freedom in the face of God.

According to Molina, God's knowledge is generated independently of any external input and solely by virtue of the ideas in God's mind; God is eternal in the sense of Boethius, that is, outside (space and) time (i.e. in a completely different realm and completely independent or *a se*).⁴⁴ God's knowledge therefore has the character of being *simplicis intelligentiae*, but this mode of knowledge, unlike in created beings, is not in any sense deficient. For those created beings, intuitive cognition is superior, which requires the actual presence of its object and is even dependent on it.⁴⁵ Yet Molina is prepared to speak of knowledge of vision or *scientia visionis* with regard to God as well, but strictly speaking only insofar as these objects are existent in time, and in any case this divine knowledge of vision does not depend on these objects. Moreover, he is prepared to make a terminological concession to the "common opinion of the Doctors" and even grant knowledge of vision with regard to contingent future entities (although they do not exist in time yet).⁴⁶ Therefore, it has been pointed out, that the distinction between abstractive and intuitive knowledge in God is replaced by "God's knowledge of existent things (knowledge of vision) and His knowledge of possibles (knowledge of simple intelligence)."⁴⁷

There are three types of divine knowledge, namely *scientia naturalis*, *scientia media*, and *scientia libera*.⁴⁸ In *scientia naturalis* God knows all

⁴² Kant, *Religion*, AA VI, 191.

⁴³ For a very helpful overview of the differences between these editions see Johannes Rabeneck, "Prolegomenon I," in *Concordia*, ed. Johannes Rabeneck (Oña and Madrid: 1953), 25*-51*.

⁴⁴ *Concordia* 4.48. Some commentators, such as Trinkaus Zagzebski, *The Dilemma of Freedom and Foreknowledge*, 128 maintain that this feature is not crucial for Molina's strategy of reconciling divine knowledge and human freedom.

⁴⁵ *Concordia* 4.49.12.

⁴⁶ *Concordia* 4.49.20.

⁴⁷ Freddoso, "Introduction," 120-21 n. 18, with "*simplicis intelligentiae*" to be taken in a narrower sense, as we shall see.

⁴⁸ *Concordia* 4.52.9.

necessary truths and this includes all truths about what is necessary and contingent in the first place, and in *scientia libera* all contingent truths of the actual world depending on his will. The difference between these types of knowledge can also be accounted for in terms of the involvement of the divine intellect and will respectively in the first place. *Scientia naturalis* is characterized as preceding the divine act of will to create a world—as prevolitional, as it is usually called in the literature. That is to say, as far as this knowledge is concerned, God's intellect just tracks the necessary truths, which cannot be altered even by divine action, in marked contrast to, for example, Descartes' doctrine, which held that even the "necessary" truths of logic depend on the divine will.⁴⁹ In Molina, it is rather *scientia libera* or free knowledge which, to some extent at least, is subsequent to the divine will or, to follow standard parlance again, postvolitional. To distinguish what is merely possible from what is actual (although what is actual is of course also possible) God needs to know his own choice (i.e. the act of his will), but to avoid misunderstanding, it must be pointed out that the adjective "free" in God's free knowledge refers to God's free will, not human free will. In light of what has been said above concerning the independence of God's knowledge with regard to external objects, we may say, although this is not Molina's own way of talking, that taken in a wider sense all God's knowledge is *simplicis intelligentiae*, but in a stricter sense it coincides with prevolitional knowledge, since it is the divine will which separates the actual from the merely possible.

Scientia media or middle knowledge lies midway between natural and free knowledge:⁵⁰ on the one hand it is also prevolitional and hence concerns truths which do not depend on God's will, on the other hand it is not concerned with what is necessary. Rather, it covers what are nowadays called "counterfactuals of freedom"—the truths concerning how each (possible) human (or otherwise rational) individual except himself would actually act in every possible situation, and this is something contingent. Although it could be different, however, God cannot alter it. The source of God's middle knowledge is what is now called supercomprehension, a doctrine originating in Neoplatonism⁵¹ and which is often regarded as the

⁴⁹ See, e.g. *Oeuvres de Descartes*, published by Charles Adam and Paul Tannery (Paris: 1996), vol. I, 53, vol. VII, 435.

⁵⁰ *Concordia* 4.52.10.

⁵¹ See Richard Gaskin, "Molina on Divine Foreknowledge and the Principle of Bivalence," *Journal of the History of Philosophy* 32 (1994): 555 n. 12 for details. We will come back to this issue, albeit briefly, in connection with Leibniz's criticism of Molina.

weakest link in the Molinist account, but which arguably just expresses the idea that the divine mind can have "epistemic certitude" with regard to something which does not have "metaphysical certitude."⁵²

By virtue of his natural and middle knowledge God knows which world would come about were he to create it; however, middle knowledge is not reflexive according to Molina, that is to say, God does not have knowledge of what he himself would actually do in each possible situation (though of course through natural knowledge he knows what he could do in each possible situation).

Within this framework Molina thinks he can uphold human freedom because God's knowledge about how an actual individual will actually act has its primary source in that very individual (or at least its corresponding idea in the divine mind). Moreover, God's causal contribution to what happens in the world is making the secondary causes actual and providing his so-called *concurso* to each instance of efficient causality.⁵³ With this in place, we can look at Molina's take on the issue of the transfer of freedom-undercutting features of the past. Although God's knowledge itself is atemporal we may perhaps form tensed statements about God's knowledge: for example, God knew in 1000 BC that person *S* would perform action *a* in 2100. Nonetheless, for Molina this person has the ability to act otherwise in 2100 (i.e. to perform action *b* for example). In the literature, there are basically two different interpretations of Molina's strategy. Let us first render this example more precise:

⁵² Freddoso, "Introduction," 51–53, although "certainty" seems to be essentially epistemic. It is an intriguing question as to how individuation *sub ratione possibilitatis* is supposed to work for Molina and the answer partly hinges on which conception of possible worlds he subscribes to. From a contemporary perspective, the two candidates for resolving the identity question are a counterpart theory and a theory of transworld identity. Intuitively, one might be inclined to opt for a transworld identity theory and assume that a feasible metaphysical underpinning can be provided by the notion of "as yet" uninstantiated essences. However, a discussion of this issue is far beyond the scope of this chapter.

⁵³ See *Concordia* 2 for a discussion of these issues. Molina grants considerable autonomy (here of course not to be understood in Kant's technical sense) to the secondary causes, and this in two respects: (i) they do not need to be activated or released by God to exert their own causal contribution to an effect. (ii) Just as divine concurrence is indispensable to make the joint causes sufficient (or efficient in the original terminology), so are the secondary causes themselves. Without them, divine concurrence is insufficient (ineffective) on its own; and this holds both for natural and free agents as secondary causes. With regard to free agents, moreover, it is their act of will just as that of God's which can make the crucial difference as to whether the joint causes are sufficient (efficient) to bring about their effect or not.

- 1) God knew in 1000 BC that person *S* will perform action *a* in 2100.
- 2) If God knew in 1000 BC that person *S* will perform action *a* in 2100, person *S* will perform action *a* in 2100.
- 3) *S* will perform action *a* in 2100.
- 4) Person *S* has the ability to act otherwise in 2100 (e.g. to perform action *b*).

It seems safe to say that (2) is necessary by virtue of the logic of knowing. For the moment I will not specify the kind of necessity which is involved here any further, although it is most likely logical or metaphysical necessity. As far as (1) is concerned the question is whether it is necessary in the sense of the often so-called accidental necessity of the past in Molina's approach. According to Freddoso's account, for a proposition *p* to be accidentally necessary at time *t*, it must be true at *t*, metaphysically contingent, and for each possible world sharing the same causal history with our world at *t* no agent has the power at or after *t* to contribute causally to *p*'s not being true.⁵⁴ There is one group of commentators which denies that (1) is accidentally necessary and which thinks that contingency is rather syntagmatic.⁵⁵ In this case the question as to whether (3) is also necessary, and hence in contradiction to (4) does not even arise. However, it seems as though Molina holds an A-theory of time and denies causal power over the past.⁵⁶ The other group of commentators⁵⁷ is therefore right to claim that for Molina (1) is in fact accidentally necessary in the sense indicated. Then it would seem that granting the agent in question the causal capacity to render (3) false before or at 2100 amounts to a denial of the transfer of necessity principle ("TNP") for this constellation of modality (i.e. accidental necessity of the past and the necessity of knowing). It is, however, one thing to establish that in Molina's scheme there is a denial of TNP, another to elucidate how his theory of *scientia media* can render this denial plausible. On his account it is the counterfactual of freedom which provides the main ground for God's knowledge, hence the knowledge is not strong enough to undercut the contingency of (3).⁵⁸

⁵⁴ Freddoso, "Introduction," 59.

⁵⁵ Dekker, *Middle Knowledge*, 79–86.

⁵⁶ See, e.g. *Concordia* 4.52.34.

⁵⁷ Such as Freddoso, "Introduction," 55–62.

⁵⁸ Molina must rule out that the causal power to act otherwise before *t* entails the causal power to render the respective counterfactual of freedom false, as Trinkaus Zagzebski, *The Dilemma of Freedom and Foreknowledge*, 132–33 has pointed out. This is indeed a counterintuitive claim, but it may be said that the counterfactual of freedom is a fundamental truth about the agent and how he ultimately "uses" his abilities. As we shall see, in the

For all the similarities with regard to a combination of the issues of freedom and creation and the denial of the transfer of freedom undercutting features of the past, there is a serious objection looming, which may seem to rule out any attempts to link Molina and Kant from the outset. This objection concerns Molina's treatment of what he calls "natural agents" as opposed to "free agents" in the proper sense,⁵⁹ and to understand what he has in mind we need to look at several distinctions he makes, namely between two types of *arbitrium liberum* and contingency respectively. With regard to *arbitrium liberum*, in the first sense it is opposed to *coactio*, and an action is free by virtue of occurring *sponte*, be it through natural necessity or not.⁶⁰ In the second sense, it is tied to the condition that an agent can act and withhold action, or act in one way or another, even with all the requisites of the action posited.⁶¹ As far as contingency is concerned, the first type refers to the compatibility of the opposite action with the nature of the agent. For example, sitting is contingent with regard to Socrates in this sense, because not-sitting is compatible with his nature. The second type of contingency, by contrast, rules out not only the necessity stemming from the nature of the agent, but the extrinsic necessity deriving from the disposition of the causes.

The upshot of Molina's distinctions is that an agent cannot be at the same time natural and free in the stronger sense with respect to the same action. In this vein, a universe which consists only of natural agents leaves no room for freedom in the relevant sense, although what happens is perfectly contingent in the weaker sense and may even be compatible with freedom in a weaker sense, namely with the one opposed to *coactio*. Unlike with Kant, this has less to do with the temporary arrangement of natural causes, neither is it an issue of natural causes "necessitating" another agent to act. The problem, rather, is with the natural agent itself, insofar as it can be triggered to action even by free agents or a combination of natural and free agents. In short, according to Molina, as far as an agent is natural, he does not have that crucial ability of refraining from action.

Kant, by contrast, as we have seen in the section quoted from the 3rd antinomy (and in parallel passages in the second *Critique*) quoted above

Kantian framework, this idea can arguably be expressed more convincingly than within Molina's own metaphysical setting.

⁵⁹ *Concordia* 1, 2, 3.

⁶⁰ *Concordia* 1, 2, 2.

⁶¹ *Ibid.*

not only focuses on the temporal arrangement of causes, but claims that although a temporarily prior cause determines its effect, and everything happening in space and time is due to natural agency, it is not only possible to assume that some of the occurrences in the world of space and time can also be attributed to a causality of freedom but—to use Molina's terminology—that some natural agents are also free agents (in the stronger sense) with regard to one and the same action, a constellation which in Molina's system is ruled out. Plainly, therefore, it may be thought that this in turn rules out labeling Kant as a Molinist with regard to freedom and natural causality in the first place. This objection cannot be countered by trying to establish that Kant's conception of causality is far more Aristotelian⁶²—as it indeed was—in its emphasis on causal capacities of substances than Humean or Davidsonian, as the standard reading of Kant has it. Important as this insight may be when taken on its own, reading Kant this way only sharpens the contours of the disagreement with Molina in that it emphasizes that it is indeed substances equipped with those causal powers that are causes. It all boils down to the fact that given Molina's framework, a natural agent cannot be a free agent.⁶³

Nonetheless, it still is plausible to say that what we have here is an *adaptation* of (or at any rate a structural parallel) to Molina's idea as to why the logic or necessity of *knowing* is not strong enough to transfer accidental necessity, to the very case of *natural causality*. Crucially, we need to compare Molina's take on the compatibility of human freedom with God's knowledge of these acts to Kant's take on the compatibility of human freedom with natural causality. As we have seen, for Molina, God's knowledge as to how a libertarian free cause acts in the actual world is grounded in his middle knowledge of the respective counterfactual of freedom and his free knowledge of his own creative act. Hence God's knowledge of the occurring free act itself is not the ground of the action in question; rather his knowledge is dependent on the counterfactual of

⁶² See Watkins, *Kant and the Metaphysics of Causality*, for a comprehensive interpretation along these lines.

⁶³ There is a second important difference concerning the issue of *concursum*, discussed by Kant at length in the theology and in the metaphysics lectures (e.g. Kant, "Philosophische Religionslehre (nach Pöhlitz)," AA XXVIII, 2. 2, 1105–07) with regard to *Metaphysica* §§ 955–62. Without going into details (e.g. the distinction between physical and moral *concursum*), Kant denies Baumgarten's claim that God's conservation of the substances amounts to a physical *concursum*, i.e. a causal cooperation or concurrence, to their actions. For him, the realm of nature is closed.

freedom and his own act of will to create the respective individual and concur with his action.

Kant assumes something similar with regard to natural causality in virtue of the special laws of nature governing this causality. Leaving the important question open here as to how the notion of laws relates to the notion of causal capacities, especially with regard to the ontological "seat" of causality, we can construe a parallel group of propositions to that expressing Molina's claims discussed above:

- 5) Cause *C* was effective in 1000 BC
- 6) If cause *C* was effective in 1000 BC agent *S* will perform action *a* in 2100.
- 7) Agent *S* will perform action *a* in 2100
- 8) Agent *S* has the ability to refrain from performing action *a* in 2100.

But how is this possible? There are two points to be considered here: for one thing, these laws, to some extent at least, are said to be derivative to something more basic. Here the distinction of things in themselves and appearances to which Kant referred in the pertinent sections of the *Kritik der reinen Vernunft* and the *Kritik der praktischen Vernunft* discussed above comes into play. This is a notoriously contentious issue, all the more since there are two apparently incompatible models Kant uses to elucidate this doctrine: according to a two world-model things in themselves and appearances are separate entities situated in entirely different realms of being. A two aspect-model, by contrast, basically regards things in themselves and appearances as two sides of one and the same entity, be it in a merely conceptual or a more robustly ontological sense.⁶⁴ Some scholars rightfully think no one model can cover all the pertinent passages in Kant's oeuvre, though.⁶⁵ As a closer analysis could establish, and contrary to standard opinion, the two models are in fact compatible after all and TA should be read along metaphysical lines, but for our purposes at least, nothing hinges on whether this is in fact the case.⁶⁶ All we need is that the things in themselves are more fundamental or have ontological

⁶⁴ For an overview of the recent discussion see Dennis Schulting, "Kant's Idealism: The Current Debate," in *Kant's Idealism: New Interpretations of a Controversial Doctrine*, ed. D. Schulting and J. Verburgt (Dordrecht: 2010), 1–25.

⁶⁵ E.g. Ralph C.S. Walker, "The Number of Worlds in Kant," *British Journal for the History of Philosophy* 18 (2010), 821–43.

⁶⁶ See Wolfgang Ertl, "Kant and the Early Modern Scholastic Legacy: New Perspectives on Transcendental Idealism," In *Departure for Modern Europe. A Handbook of Early Modern Philosophy (1400–1700)*, ed. Hubertus Busche (Hamburg, 2011), 1178–1193.

priority, as emphasized by Karl Ameriks.⁶⁷ Now this, of course, is precisely a contentious claim in Kant scholarship as far as things in themselves *in general* are concerned. It is, however, far less controversial that Kant subscribes to this priority claim as far as rational human agents are concerned within the context of practical philosophy. In the sphere of the practical, the assumption of such an ontological priority is warranted according to Kant. He famously maintains, for example, that what he calls the intelligible character of an agent grounds her empirical character⁶⁸ (i.e. the law connected to its natural causality) and that “my” will is “immediately law giving”⁶⁹ with regard to the world of phenomena. Clearly, it is safe to assume that for Kant, “my” will and the intelligible character belong to the sphere of things in themselves.

To elucidate this no doubt puzzling claim of such an “immediate” dependency of special causal laws on something pertaining to the sphere of ontologically prior things in themselves, Kant’s theology lectures again provide some help. Of course, relying on these texts raises problems of its own, in particular with regard to their authenticity, and I shall briefly discuss these problems in the last section below. For the time being, however, these texts shall be treated at face value. As far as our purposes are concerned, the pertinent section is the one on providence. Looking at Kant’s conception of providence it becomes clear how the derivative status of the special laws of nature is to be construed: first of all, Kant points out that providence has to do with the enactment of what one could call the special laws of nature, as opposed to more fundamental laws such as the principle of causality itself. Moreover, the content of these laws depends, to some extent at least, on human freedom. He claims:

Die Gesetze, nach welchen der Weltlauf gehen sollte, hat er demnach mit einer durchgängigen Kenntniß aller einzelnen Begebenheiten in demselben abgefaßt, und gewiß auch ihre größtmöglichste Vollkommenheit bei ihrer Stiftung zum Augenmerk gehabt, weil er selbst der Allweiseste, und Alles in Allem ist. Er sahe nach seiner Allwissenheit gewiß, ehe noch etwas war, sowohl jedes mögliche Individuum, als jedes genus voraus, und sorgte, als

⁶⁷ Karl Ameriks, “Kantian Idealism Today,” in Karl Ameriks, *Interpreting Kant’s Critiques* (Oxford: 2006), 104. See the discussion in Henry E. Allison, *Kant’s Transcendental Idealism: An Interpretation and Defense*, revised and enlarged ed. (New Haven: 2004), 45–49.

⁶⁸ Kant, *Kritik der reinen Vernunft*, A 540/B 568.

⁶⁹ Kant, *Grundlegung zur Metaphysik der Sitten*, AA IV, 453. The passage in full reads: “Weil aber die Verstandeswelt den Grund der Sinnenwelt, mithin auch der Gesetze derselben enthält, also in Ansehung meines Willens (der ganz zur Verstandeswelt gehört) unmittelbar gesetzgebend ist...”

er sie wirklich machte, durch Stiftung anpassender Gesetze für ihr Daseyn sowohl, als für ihre Wohlfahrt.⁷⁰

Clearly, some of the "Begebenheiten" must be human actions, and as Kant emphasizes a little later in the text, it must have been in a human being's power, whether to observe or disobey the laws of morality, even if this flew into the face of the divine plan with regard to the moral world.⁷¹ In this vein, each individual's use of her freedom is, as it were, factored into what the special laws of nature are, and at the same time it is something given even to the divine mind.

For the Kant of the theology lectures, in short, God's knowledge and subsequent action to enact the special laws of nature elucidate this dependence, or to put it more bluntly, God provides the "adjustment mechanism" of this dependence. Taken this way, not only is God's knowledge dependent on the agent as cognized prior to her creation but also the behavior of this agent as and in a series of natural causes.⁷² In this vein, just as in Molina, God's knowledge of absolute future contingents is dependent on something given, the same holds for the natural causal

⁷⁰ Kant, "Philosophische Religionslehre (nach Pöhlitz)," AA XXVIII, 2.2, III: "Hence God formulated the laws governing the world in light of a thorough acquaintance with every single occurrence in it, and in the establishment of the course of the world he certainly had the greatest possible perfection in view, because God himself is the all-wise and is all in all. For certainly in his omniscience he foresaw every possible individual, as well as every *genus*, even before there was anything at all. And in actualizing them he provided for their existence as well as their welfare, through the establishment of suitable laws." Immanuel Kant, *Religion and Rational Theology*, trans. and ed. Allen W. Wood and George di Giovanni (Cambridge: 1996), 438.

⁷¹ To be sure, the primacy of "Begebenheiten" with regard to the laws does not turn Kant into a Humean with regard to his conception of natural laws. Rather, the special laws of nature are integrated into a system of laws with metaphysical and ultimately transcendental principles of conservation, causality, and interaction as its foundation. Thus these special laws can underwrite causal necessity, whereas they are not metaphysically necessary, i.e. valid in every possible world. For an attempt to reconcile the derivative status of some of the special laws of nature with their integration into a system of laws see Ertl, "Persons as Causes in Kant," which draws on the idea developed by Michael Friedman, "Metaphysical Foundations of Newtonian Science," in Friedman, *Kant and the Exact Sciences* (Cambridge, Mass.: 1992), 136–64 and Michael Friedman, "Causal laws and the Foundations of Natural Science," in *The Cambridge Companion to Kant*, ed. Paul Guyer (Cambridge: 1992), 161–99 of such a system combining, indeed balancing out elements of necessity and contingency.

⁷² To clarify, the point is not to establish that Kant follows Molina with regard to the account of God's knowledge of absolute future contingents via *scientia media*. Rather the free agent's natural causal action depends on a fundamental truth about her and God's creative act.

“behavior” of a free agent in Kant.⁷³ In both cases an act of divine will is situated in-between. Thus, taking these lectures into account, what for some scholars is merely a reconstruction of the Kantian position—to be more precise, a reconstruction which recourses to divine agency—is actually what Kant himself held *expressis verbis*. Along these lines, it had been maintained:

According to the position of Luis de Molina on divine providence, God knows, eternally, what every possible libertarian free creature would choose in every possible circumstance, and with this knowledge God is able to direct the course of history with precision, partly in virtue of creating just those free creatures whose choices fit a preconceived divine plan. *On a version of this Molinist view adapted to Kant's idealism*, God would reconcile noumenal transcendental freedom with phenomenal determinism by creating just those transcendently free beings the appearances of whose free choices conform to the deterministic laws that God intends for the phenomenal world [my italics—W.E.].⁷⁴

It is doubtful, though, whether in this reconstruction the priorities have been set completely right with regard to the alleged selection of the agents in view of the laws of nature which should be valid in the world. Kant seems to see it the other way round. The special laws of nature are implemented by God after realizing that those human actions he wants to happen will happen after creating the agents, which make up the actual world. The caution, though, that some readers will certainly be unhappy with such a reconstruction of transcendental idealism, which recourses to theist notions and stresses the idealist element,⁷⁵ is no doubt a fair point. As we have seen, however, this route is precisely what Kant himself is taking in the lectures, which leads us back to the question of their reliability to which more below.

At this juncture, a second question arises, namely whether there is more than just a structural parallel between Kant's and Molina's takes on the compatibility question. I will try to address this issue first by looking more closely at what Kant has to say regarding Baumgarten's account of divine knowledge and then by investigating how Leibniz, independently of his possible influence on Baumgarten, may be seen to have acted as a crucial mediator of Molina's thought.

⁷³ Kant's thesis of the derivative (albeit real) nature of natural causality actually fits better with Molina's commitment to agents not having causal control over the truth of “their” counterfactuals of freedom.

⁷⁴ Pereboom, “Kant on Transcendental Freedom,” 557–58.

⁷⁵ Ibid.

II. BAUMGARTEN ON *INTELLECTUS DEI*

Searching for sound philological evidence of a direct influence of Molina on Kant does not give us any positive results; they are mixed at best. Kant himself does not mention the name "Molina" or the term "Molinist" anywhere in his published and unpublished works, and in Pölitz version of his lectures on natural theology, he even dismisses *scientia media*, evidently the cornerstone of Molina's libertarian compatibilism with regard to divine omniscience, as a "ganz unnütze Distinction"⁷⁶ (i.e. an entirely useless distinction). However, when we look more closely, a more intricate picture emerges: for one thing, and as mentioned above, the topic is raised in the pertinent paragraphs of Baumgarten's *Metaphysica*, the principal textbook on which Kant based his theology lectures, in which Baumgarten⁷⁷ follows the main lines of Molina's division of different types of divine knowledge. Moreover, in Kant's second textbook, unlike the *Metaphysica*, there is at least an explicit reference to Molina himself. This manual is Johann August Eberhard's *Vorbereitung zur natürlichen Theologie zum Gebrauch akademischer Vorlesungen*. Eberhard, usually described as a relatively minor Wolffian philosopher, was to be involved in a fierce controversy with Kant some years later, maintaining that all the important points in Kant's new approach had already been raised by Leibniz.⁷⁸ Kant used this text quite extensively as the notes he jotted into his (no longer extant) "Handexemplar" and the corresponding text of the lectures suggest. In this book, Eberhard says:

Ueber die *mittlere Erkenntniss* ist von der Zeit an, da sie ist vorgetragen worden, in den theologischen Schulen aller drei christlichen Hauptpartheien gestritten, insonderheit wegen ihres Einflusses auf die Lehre von den

⁷⁶ Kant, "Philosophische Religionslehre (nach Pölitz)," AA XXVIII, 2.2, 1055.

⁷⁷ For an account of Baumgarten's metaphysics as a whole see Mario Casula, *La metafisica di A. G. Baumgarten* (studi di filosofia) 5 (Milan: 1973). Mirbach largely relies on Casula in her introduction to Alexander Gottlieb Baumgarten, *Metaphysik*, ins Deutsche übersetzt von Georg Friedrich Meier, nach dem Text der zweiten, von Joh. Aug. Eberhard besorgten Ausgabe 1783, mit einer Einführung, einer Konkordanz und einer Bibliographie der Werke A.G. Baumgartens von Dagmar Mirbach (Tübingen) (Jena: 2004), IX–XXIII. For further detailed information also see the notes to the pertinent sections in Alexander Gottlieb Baumgarten, *Metaphysica/Metaphysik*, historisch-kritische Ausgabe, übersetzt, eingeleitet und herausgegeben von Günter Gawlick und Lothar Kreimendahl (Stuttgart-Bad Cannstatt: 2011). Both Casula and Mirbach emphasize Leibniz's influence on Baumgarten with regard to the principle of reason, the doctrines of monadology, and of preestablished harmony.

⁷⁸ See Henry E. Allison, "Translator's Introduction," in Immanuel Kant, *Theoretical Philosophy after 1781*, ed. Henry E. Allison and Peter Heath (Cambridge: 2010), 273–79 for a concise account of this controversy.

Rathschlüssen Gottes. In öffentlichen Schriften hat sie zuerst *Ludewig Molina* von der G. J. gelehrt.

Liberi Arbitrii Concordia cum gratiae donis, divina praescientia, providentia, praedestinatione et reprobatione. Ed. III. auctior et emend. Antwerpiae. 1609. 4.⁷⁹

Thus Kant had the relevant information as to the sources of this doctrine at any rate at his immediate disposal. This having been established, we can now turn to the discussion of this doctrine in Baumgarten. The pertinent paragraphs §§ 874–76 belong to the section dedicated to an analysis of *intellectus dei* and this section in turn forming part of the first of two chapters of the forth part of metaphysics, dealing with “natural theology.” Baumgarten employed the division of metaphysics into *metaphysica generalis* (i.e. ontology), and *metaphysica specialis* (i.e. psychology, cosmology, and natural theology established by Wolff and possibly foreshadowed in turn by Benito Pereira).

As to *intellectus dei*, although Baumgarten is in general following Molina’s scheme as far as the classification of divine knowledge is concerned,⁸⁰ there are important alterations: in § 874, Baumgarten writes:

⁷⁹ Johann August Eberhard, *Vorbereitung zur natürlichen Theologie zum Gebrauch akademischer Vorlesungen* (Halle: 1781), 99. Reprinted in full, together with Kant’s annotations, in AA XVIII, 513–606; the quotation is on 596. Kant used a third textbook, namely Christoph Meiners, *Historia doctrinae de vero deo omnium rerum auctore et rectore*, 2 vols. (Lemgoviae: 1780), but mostly for a historical overview of natural theology up to the Stoics. Eberhard himself deals with different types of divine knowledge in his § 69 on “Omniscience” (AA XVIII, 596–97). For him, science of the possible is *scientia simplicis intelligentiae*, science of the actual *scientia libera*, while *scientia media* is said to be concerned with future entities insofar as they are conditionally possible. He also mentions an alternative interpretation of the object of *scientia media*, namely the conditionally necessary. In his discussion in the lectures Kant seems to focus exclusively on Baumgarten with regard to divine knowledge.

⁸⁰ Another potential source for Kant’s knowledge of *scientia media* is Crusius, who calls it “scientia Dei media” and renders this term as “Mittlere Erkenntnis des göttlichen Verstandes” in § 270 of his *Entwurf der nothwendigen Vernunft-Wahrheiten, wiefern sie den zufälligen entgegen gesetzt werden* (Leipzig: 1745). Crusius, however, emphasizes the counterfactual nature of its object and reads “media” as referring to the latter’s position in-between the merely possible and the actual. A comprehensive account of the various conceptions of *scientia media* in the 17th century which also briefly touches upon their impact on the 18th century has been provided by Sven K. Knebel, “Scientia Media. Ein diskursarchäologischer Leitfaden durch das 17. Jahrhundert,” *Archiv für Begriffsgeschichte* 34 (1991): 262–94. In matters of 18th-century terminology in general, Ken Aso et al., *Onomasticon philosophicum latinoteutonicum et teutonicolatinum* (Tokyo: 1989) is still an invaluable tool.

God knows all the determinations of all things, in so far as these are regarded as mere possibilia. This is *knowledge of the simple intellect*.⁸¹

In § 875, Baumgarten characterizes *scientia visionis* and distinguishes three different aspects of it:

God knows all determinations of the actual things of this world through *free knowledge* (of vision), the past ones through *divine recollection*, the present ones through *science of vision*, the future ones through *prescience*. *Philosophical Socinianism* is the claim that rejects divine prescience of future contingents, and this is an error.⁸²

Finally, in § 876 Baumgarten is dealing with middle knowledge:

God knows all determinations of actual things 2) of a world different from this one through *scientia media*. Instead of each event of this world, a different one could exist. This event would have its consequences indefinitely through all the partially different following states of the world. Hence, if instead of only one event of this world a different one existed, this world would be through all the states following this event and also preceding it, partially other than it is. Hence, whatever instead of each event in this world could have existed along with all its consequences God knows through middle knowledge.⁸³

⁸¹ "Deus scit, §. 873, I) omnes omnium determinationes, quatenus illa, ut mere possibilia, spectantur. Haec est SCIENTIA SIMPLICIS INTELLIGENTIAE*)." AA XVII, 170. Here and in the following quotations of Baumgarten his references to previous paragraphs are omitted in the translation. In a footnote, Baumgarten adds a German equivalent to "scientia simplicis intelligentiae," namely the phrase "die Wissenschaft des Möglichen" (i.e. "the science of the possible"). Meier in Baumgarten, *Metaphysik*, trans. Meier, 217 took up this very suggestion, surprisingly not rendering the Latin phrase verbatim, for example as "Wissenschaft des einfachen Verstandes" or something similar. His § 652 reads: "Gott erkennt alle Bestimmungen von allen Dingen, insofern diese bloße Possibilia sind. Diese ist die *Wissenschaft des Möglichen* (scientia simplicis intelligentiae)." This is far from being a mere terminological issue, as we shall see in a moment.

⁸² "Deus scit, §. 873, II) omnes determinationes actualium, 1) huius mundi, SCIENTIA LIBERA (visionis*), α) praeterita, RECORDATIONE DIVINA**), β) praesentia, SCIENTIA VISIONIS***), γ) futura, PRAESCIENTIA****). SOCINIANISMUS PHILOSOPHICUS est sententia tollens praescientiam divinam futurorum contingentium, et error est./*) die freie Wissenschaft. **) das Angedenken. ***) Sehn. ****) Vorhersehung Gottes." Baumgarten, *Metaphysica*, in AA XVII, 170.

⁸³ "Deus scit omnes determinationes actualium 2) alterius mundi, quam hic, SCIENTIA MEDIA*). Pro quovis eventu huius mundi exsistere posset alius, §. 363, 324. Quivis autem haberet sua consecraria in indefinitum per omnes status mundi secuturos partialiter diversa, §. 488. Ergo si vel pro uno tantum eventu huius mundi exstitisset alius, mundus hic esset per omnes status illi eventui successivos, immo antecedentes etiam, §. 357, 278, partialiter alius, quam est. Ergo quicquid loco cuiusvis eventus in hoc mundo exsistere potuisset cum omnibus suis consecrariis, deus scit, scientia media, §. 378./*) die mittlere Wissenschaft Gottes, oder dessen Einsicht bloss möglicher Welten." Baumgarten, *Metaphysica*, in AA XVII, 170–71.

The similarities to and differences from Molina's tripartite division are equally obvious: instead of "*scientia naturalis*," Baumgarten speaks of "*scientia simplicis intelligentiae*," the phrase which Molina himself used (i) to underscore the peculiar character of divine knowledge in general, insofar as it does not depend in any way on the object of its knowledge; and (ii) to indicate the prevolitional character of the knowledge of non-existent entities in particular. As its object, Baumgarten's *scientia simplicis intelligentiae* has the possible, whereas with Molina, *scientia naturalis* is concerned with what is necessary. To be sure, for Molina the possible, insofar as it is prevolitional, is necessarily possible, and hence Molina is subscribing to something in this respect similar to what is nowadays called the system S5 in contemporary modal logic. Hence for Molina, the possible, insofar as it is necessarily possible, is of course covered by *scientia naturalis*. The sphere of the possible, however, also includes the contingent, because what can be actual must also be possible. Yet the contingent, insofar as it is possible is also necessarily possible and hence also covered by Molina's approach as well, but of course not insofar as it is contingent.

Conversely, everything necessary is also possible (if we do not assume that Baumgarten is working with a two-sided concept of possibility, according to which the possible is neither impossible nor necessary). Hence, what is necessary and thus an object of *scientia naturalis* in Molina is also covered by Baumgarten's *scientia simplicis intelligentiae*.

With regard to *scientia visionis*, Baumgarten's further distinctions are perfectly in line with the respective core doctrine in Molina which is based on the idea of a self-sufficiency of the divine mind with regard to knowledge of objects external to it. These classifications stem solely from these objects, insofar as the world unfolds in time, since for Baumgarten, nothing changes in God's mind.

Baumgarten and Molina part company when it comes to *scientia media* in at least three respects: (i) The sphere of *scientia media* itself is in one sense wider in Baumgarten compared with Molina. For Baumgarten, *scientia media* is concerned with the "impact" or "ramifications" of what one could call a "local" difference to the actual world (and thus whether it could be just a local difference in the first place). God knows, according to Baumgarten, what would happen if the world were different at one of its segments or places, as it were. This, of course, includes the knowledge of the actions of free beings within this altered context, but it is not restricted to this aspect. In Baumgarten's version, God also knows through

his *scientia media* how ordinary substances or non-free secondary causes would "react" to the change in the fabric of the world. Some commentators have insisted that in Molina too, *scientia media* must cover more than mere counterfactuals of creaturely freedom. According to this view,⁸⁴ it has to include knowledge about what God himself would do in certain situations, although this is of course not global, since middle knowledge is not reflexive for Molina *tout court*. In his opinion, God does not know what he would do himself in all possible situations. Even if this be conceded, though, it seems fair to say, that the sphere Baumgarten assigns to *scientia media* is in this sense still considerably wider than that of Molina's. (ii) At the same time, this sphere is in another sense narrower, since in Baumgarten, *scientia media* is only concerned with possible worlds *different* from the actual world. This in turn indicates that in contrast to Molina, but in agreement with Leibniz, as we shall see below, *scientia media* has no role in the explication as to how *scientia libera* of absolute future contingents comes to pass. (iii) As we have seen, Molina, when discussing *scientia media*, is adamant in pointing out that it is called "media" precisely because it lies midway between *scientia naturalis* and *scientia visionis*. It shares the feature of being prevolitional with *scientia naturalis*, although unlike *scientia naturalis*, it is not concerned with the necessary, but with what is actually, albeit not necessarily, hence contingently, the case, namely the way free agents would act, and not just could act, in each possible situation. Baumgarten's characterization of God's knowledge of the possible as *simplicis intelligentiae* may indicate, since this term must be taken in the narrower sense here, that he takes *scientia media* to be postvolitional, although the evidence is inconclusive. It may even be the case that Baumgarten deliberately avoided stating his position explicitly. Alternatively, it may be the case that *scientia media* cannot properly be classified along this dimension in Baumgarten's view. Baumgarten does not elaborate on this point.

All this needs to be taken into account when looking at Kant's alleged dismissal of *scientia media* in the lectures mentioned above. The pertinent section in the Pölitiz version of the theology lectures reads in full:

⁸⁴ Held, for example, by Thomas P. Flint, *Divine Providence: The Molinist Account* (Ithaca: 1998), 42–43.

Die sogenannte *scientia media*, oder die Erkenntniß von dem, was in andern möglichen Welten außer der jetzigen wirklichen geschehen könnte, ist eine ganz unnütze Distinction. Denn wenn Gott alles Mögliche erkennt; so erkennt er solches sowohl an sich, als in nexu, und folglich erkennt er eben dadurch alle mögliche Weltganze.⁸⁵

Against the background of the differences between Molina and Baumgarten sketched above, Kant's remarks cannot possibly be taken to be directed against, or even to cover, Molina's original intention. Rather, Kant's criticism is consistent with very different scenarios, namely: (a) if we take it to presuppose that *scientia media* is also *scientia simplicis intelligentiae*—taken in the narrower sense—then it is, in this vein at least, compatible with Molina's own position that counterfactuals of freedom are true in a prevolitional way.⁸⁶ (b) If we take it to presuppose that God's knowledge of the possible can carry out the function assigned to *scientia media* by Baumgarten (i.e. knowing what would be the case if the actual world were locally different) it does not apply to Molina's original idea that it plays a role in explaining how knowledge of absolute future contingents comes to pass. In Molina's account such an explication can be provided quite easily. God knows how finite free agents will act by knowing the respective counterfactual of freedom and by knowing that the situation specified in its antecedent will occur. With regard to an explanation, Kant himself is agnostic in the lectures.⁸⁷

⁸⁵ Kant, "Philosophische Religionslehre (nach Pölitz)," AA XXVIII, 2.2, 1055: "The so-called *scientia media*, or the cognition of that which could happen in other possible worlds outside the present actual one, is an entirely useless distinction. For if God cognizes everything possible, then he cognizes it as much in itself as *in nexu*, and consequently in just this way he cognizes every possible world as a whole." Kant, *Religion and Rational Theology*, 393.

⁸⁶ Interestingly enough, Leibniz himself seems to have taken yet another stance, as Michael-Thomas Liske, *Leibniz' Freiheitslehre: Die logisch-metaphysischen Voraussetzungen von Leibniz' Freiheitstheorie* (Paradeigmata) 13 (Hamburg: 1993), 196–99 has pointed out: for Leibniz, on the one hand, *scientia media* also properly belongs to *scientia simplicis intelligentiae*, on the other it can be grouped into *scientia visionis*. Here, Leibniz's theory of proof comes into play. Leibniz operates with two conceptions of *scientia visionis*, namely a narrow conception identifying it with practical knowledge and a wider conception which concerns truths which are not demonstrable (even for God). In emphasizing the aspect that the contingently nonactual belongs to the sphere of possibilities Leibniz tends to subsume *scientia media* under *scientia simplicis intelligentiae*. In emphasizing that contingently possible truths cannot be demonstrated, he subsumes it under *scientia visionis* in the broader sense.

⁸⁷ This is particularly obvious in the metaphysics lectures of the 1790s. All Kant is prepared to claim is that this knowledge occurs by virtue of eternity. See, e.g. AA XXVIII, 2.1, 606–08, 698–99, 802, and 806.

For the purpose of this chapter, however, something else is of far greater importance. It is perfectly safe to say that Kant was on the one hand familiar with the tradition of Molina's doctrine of divine knowledge, while on the other hand, through Baumgarten at least, he knew it only in a "distorted" manner with regard to the original conception of *scientia media*. In the previous section we have noted the structural parallel between Molina's theological and Kant's version of natural causal libertarian compatibilism. With parts of a—as yet rather loose—historical filiation having been established in this section, the next step will be to supply more evidence of a connection between Molina and Kant. This will be done by turning to Leibniz, who in an important sense acted as a mediator between the two.

III. KANT'S CRITICISM OF LEIBNIZ'S ANSWER TO MOLINA

Leibniz explicitly criticized core parts of Molina's libertarian theological compatibilism, as we shall see in a moment, and Leibniz in turn is the target of Kant's criticism, in particular in the account of his own natural causal version of it in the *Kritik der praktischen Vernunft*.⁸⁸ As far as Kant's general attitude towards Leibniz is concerned, it is fair to say that it is rather ambivalent. For all the criticism regarding the details of Leibniz's monadological approach, of monads as a faulty conception of things in themselves, and (at least implicitly) of the theory of concepts connected to it, Kant retains his idea of things in themselves grounding phenomena.⁸⁹ Moreover, although Kant's account of space and time in the transcendental aesthetic in one sense clearly breaks with Leibniz, as he himself emphasizes, he nevertheless retains certain key assumptions of Leibniz's strategy.⁹⁰ For Kant, as for Leibniz, Kant's doctrine of space and time as forms of intuition notwithstanding space and time are basically to be conceived of in terms of relations holding in the phenomenal world. What Kant rejects, though, is Leibniz's claim that these relations supervene on features of monads or things in themselves respectively. Moreover, he insists that we have a grasp of these relations *a priori*,

⁸⁸ Kant, *Kritik der praktischen Vernunft*, AA V, 94–100.

⁸⁹ See Immanuel Kant: *Über eine Entdeckung, nach der alle neue Kritik der reinen Vernunft durch eine ältere entbehrlich gemacht werden soll*, AA VIII, here in particular section IB and IC, 198–225.

⁹⁰ See Kant, *Kritik der reinen Vernunft*, A 41–49/B 59–73.

independently of the relata of which they hold. In sum, however, his attitude towards Leibniz is much more positive than often suggested.⁹¹

In this section, Leibniz's criticism of Molina will first be outlined and then a sketch of his own account will be provided, putting particular emphasis on the relationship between the world of monads and the phenomenal world. Finally, the question as to which elements of the respective strategies Kant retains for his own solution shall be addressed. Leibniz's attacks on Molina are multifaceted—they include (a) his denial of the claim that physical necessity is incompatible with freedom, (b) his rejection of *libertas indifferentiae*, (c) his disagreement about the underlying conception of the will, and (d) his attack on the construal of the divine foreknowledge of absolute future contingents. For the sake of brevity, I shall limit the discussion to the last of these points,⁹² although (a), as we shall see, is a crucial assumption he shares with Kant.

With regard to Leibniz's criticism of Molina's conception of divine foreknowledge, Leibniz maintains that it violates the principle of sufficient reason:⁹³ for Leibniz, there is no "ratio scibilitatis"⁹⁴ God could resort to. To understand Leibniz on this point, we need to be clear about at least two different issues raised, for example, in the short text "*Scientia media*" and in his reading notes on William de Twisse's *Scientia media*: this sufficient reason of God's knowledge must be connected both to the individual substance in question—e.g. to the "Petrinit(as)"⁹⁵ of Peter—and to the principle of the best, according to which God (and indeed each rational agent, albeit the latter in an imperfect manner) choose what they judge to be the best course of action.⁹⁶ The mature position of Leibniz operates

⁹¹ For a concise account of this view see Predrag Cicovacki, "Kant's Debt to Leibniz," in *A Companion to Kant*, ed. Graham Bird (Oxford: 2006), 79–92.

⁹² See Didier Njirayamanda Kaphagawani, *Leibniz on Freedom and Determinism in Relation to Aquinas and Molina* (Aldershot: 1999) and Sean Greenberg, "Leibniz against Molinism: Freedom, Indifference, and the Nature of the Will," in *Leibniz: Nature and Freedom*, ed. Donald Rutherford and J.A. Cover (Oxford: 2005), 217–33 for the points left out.

⁹³ In *Scientia media*, available with a short commentary in G.W. Leibniz, *Confessio philosophi: Papers Concerning the Problem of Evil, 1671–1678*, trans. ed., and with an Introduction by Robert C. Sleigh, Jr. Additional Contributions from Brandon Look and James Stam (New Haven: 2004), 131–33, commentary on 171–73. For a more comprehensive criticism of Molina's approach see Gottfried Wilhelm Leibniz, *Essais de Theodicée, Die philosophischen Schriften*, vol. VI, ed. C.I. Gerhardt (Berlin: 1885), e.g. §§ 39–48.

⁹⁴ As he puts it in his notes on de Twisse's *Scientia Media*, available, e.g. in G.W. Leibniz, *Textes inédits*, ed. Gaston Grua (Paris: 1947), I, 347–59, here 351.

⁹⁵ Leibniz, *Scientia Media*, 132.

⁹⁶ *Ibid.*, 132.

with a distinction of a logical and material or real version of the principle of sufficient reason.⁹⁷ As far as the logical version is concerned, Leibniz claims that there is a complete concept of the individual substance, which includes also something like a developmental law regulating the sequence of the predicates, which hold for this individual. It is this complete concept and the associated law which serves as a reason of God's knowledge of how the agent will act, but not the full or complete reason, since such a complete concept could be obtained of all possible individuals. The principle of the best is needed to distinguish merely possible from actual actions or actions of actual individuals, hence the reason for God's knowledge of such an action has two dimensions, namely the complete concept together with the associated developmental law by virtue of the principle of the best.

To be sure, we have to be clear about what Leibniz's objection refers to precisely, since in Molina *scientia media* is evidently in a sense a ground of *scientia libera*. In fact, there are two issues to be distinguished here, namely (a) whether it is, in fact, the appropriate function of *scientia media* to provide an account for God's knowledge of free human actions or whether *scientia media* is a form of knowledge which has its place as a complement of divine knowledge of future human action (i.e. exactly one of the key points we have encountered in Baumgarten's rendering). The second issue is (b) that irrespective of its function, the question about the grounds of *scientia media* itself arises. Leaving aside the question with regard to (b) as to whether his point is that both divine foreknowledge of free human acts and *scientia media* require complete concepts and associated developmental laws as their foundation by virtue of hypothetical assumptions about the best,⁹⁸ it is clear that with regard to (a) Leibniz does in fact hold that absolute future contingents can be known independently of *scientia media*.⁹⁹ Moreover, given his overall importance for Baumgarten,¹⁰⁰ Leibniz is presumably also the ultimate source for

⁹⁷ Here I am following Francesco Piro, *Spontaneità e ragion sufficiente: Determinismo e filosofia dell'azione in Leibniz* (Rome: 2002), 126–35.

⁹⁸ For a detailed account of this question see, for example, Sven K. Knebel, "Leibniz, Middle Knowledge and the Intricacies of World Design," *Studia Leibnitiana* 28 (1996): 199–210.

⁹⁹ As has been pointed out, for example, by Robert Sleight, "Leibniz on Divine Foreknowledge," *Faith and Philosophy* 11 (1994): 547–71. See also Fabrizio Mondadori, "Leibniz against the Society: futuribilia without *scientia media*," in *Leibniz und Europa, Vorträge 1: VI. internationaler Leibniz-Kongress* (Hanover: 1994), 494–504.

¹⁰⁰ See n. 77 above.

the respective claim of Baumgarten. As indicated above, alterations like these shield Molina himself from Kant's dismissal of *scientia media*. Leibniz's role in the transfer of Molina's thought to Kant, however, is certainly not exhausted in providing cover for Molina. Rather, Leibniz's own alternative explication as to how divine knowledge of absolute future contingents comes about (i.e. his partial reliance on the complete concept of the individual substances), in turn prompted criticism from Kant. Crucially, in this very disapproval, Kant resorts to ideas which are quite similar to Molina's original intentions. Here, a further feature of Leibniz's criticism of Molina needs to be taken into account as well. If Leibniz indeed endorses what he considers to be Scotus's position, "that the divine intellect knows nothing (of matters of fact) which it has not determined,"¹⁰¹ this suggests that Leibniz was prepared to grant God a far larger degree of sovereignty over the creation than Molina. One of the points of invoking *scientia media* in the first place for Molina was to spell out his fundamental conviction that divine discretion is restricted through human freedom, as far as certain contingent truths hold pre-eminently and cannot be overruled. In modern interpretations of Molina's theory, this is usually rendered in terms of so-called "world types" and "world galaxies,"¹⁰² according to which the set of creatable worlds is a true subset of those of possible worlds. For Leibniz, by contrast, God seems to have the full range of possibilities at his disposal among which he can and will select the best, a topic which will be taken up again below. First, though, Leibniz's insistence on the need of a complete concept and an associated developmental law will need to be considered further, because it is this doctrine which is the target of Kant's criticism, and to which we can now turn.

To begin with, a note of caution is in order. The question as to what Leibniz's thesis of there being complete concepts implies on the ontological level of monads (i.e. how it translates into changing perceptual states of monads) is an intricate and contentious issue.¹⁰³ However, the purpose of what follows is not to develop a correct interpretation of Leibniz, but to show that this Leibnizian doctrine connects Molina and Kant, and Kant's reading of it is quite concise: reduced to its essentials, Kant says that these devices undercut the very freedom they are supposed to protect, or at any rate to make possible to predict, insofar as they turn the human subject

¹⁰¹ Leibniz, *Scientia media*, 133.

¹⁰² Flint, *Divine Providence*, 46–54.

¹⁰³ See, for example, the discussion in Piro, *Spontaneità e ragion sufficiente*, 156–67.

into an "*Automaton . . . spirituale*." The pertinent paragraph deserves to be quoted in full:

Eben um deswillen kann man auch alle Nothwendigkeit der Begebenheit in der Zeit nach dem Naturgesetze der Causalität den *Mechanismus* der Natur nennen, ob man gleich darunter nicht versteht, daß Dinge, die ihm unterworfen sind, wirklich materielle *Maschinen* sein müßten. Hier wird nur auf die Nothwendigkeit der Verknüpfung der Begebenheiten in einer Zeitreihe, sowie sie sich nach dem Naturgesetze entwickelt, gesehen, man mag nun das Subject, in welchem dieser Ablauf geschieht, Automaton materiale, da das Maschinenwesen durch Materie, oder mit Leibnizen spirituale, da es durch Vorstellungen betrieben wird, nennen, und wenn die Freiheit unseres Willens keine andere als die letztere (etwa die psychologische und comparative, nicht transcendentale, d.i., absolute, zugleich) wäre, so würde sie im Grunde nichts besser, als die Freiheit eines Bratenwenders sein, der auch, wenn er einmal aufgezogen worden, von selbst seine Bewegungen verrichtet.¹⁰⁴

The gist of Kant's criticism in the ensuing sections is that Leibniz, just like Newton, albeit in a very different manner, incorrectly subjects the realm of things in themselves, in his case of monads, to (conditions of) space and time, in particular time, and that this very move, together with the notion of a natural law covering the unfolding of the sequence of states, is primarily responsible for the failure to safeguard freedom.¹⁰⁵ While it is obvious that Kant refers to nothing other than the ontological

¹⁰⁴ Kant, *Kritik der praktischen Vernunft*, AA V, 97 [emphasis through spacing—W.E.]: "Just for this reason, all necessity of events in time in accordance with the natural law of causality can be called the *mechanism* of nature, although it is not meant by this that the things which are subject to it must really be material *machines*. Here one looks only to the necessity of the connection of events in a time series as it develops in accordance with natural law, whether the subject in which this development takes place is called *automaton materiale*, when the machinery is driven by matter, or with Leibniz *spirituale*, when it is driven by representations; and if the freedom of our will were none other than the latter (say, psychological and comparative but not also transcendental, i.e., absolute), then it would at bottom be nothing better than the freedom of a turnspit, which, when once it is wound up, also accomplishes its movements of itself." Immanuel Kant, *Practical Philosophy*, trans. and ed. Mary J. Gregor, general introduction by Allen W. Wood (Cambridge: 1996), 217–218. The reference is to Leibniz, *Essais de Theodicée*, § 403, in which Leibniz claims: "... il est aisé de juger de même que l'âme est un automate spirituel, encore plus admirable." In contrast to Kant, though, he insists: "L'opération des automats spirituels, c'est-à-dire des âmes, n'est point mécanique; mais elle contient éminemment ce qu'il y a de beau dans la mécanique."

¹⁰⁵ Evidently, Kant takes Leibniz to hold that there is something like intra-monadic time. To be sure, this is a case in point for what has been said above in that this reading of Leibniz, put forward by Nicholas Rescher, *Leibniz: An Introduction to his Philosophy* (Oxford: 1979), 88 for example, is highly contentious. Rescher's claim has been criticized by Michael J. Futch, "Leibniz on Time and Substance," *Idealistic Studies* 36 (2006): 109–22

counterpart of the doctrine of a complete concept of monads and its associated developmental law here, it is far less obvious why in his opinion this doctrine cannot deliver the required results. As he points out, this reason has to do with features of action not being “in meiner Gewalt”¹⁰⁶ (in my power), and Kant, just as he did in his solution to the 3rd antinomy in the first *Critique*, uses the example of an immoral act, in this case theft, to elucidate what he has in mind. According to the order of nature, this action is determined by factors of the past (i.e. made necessary by factors not in our power); nonetheless we demand by virtue of the moral law, and in Kant’s view rightly so, that the agent should, and thus could, have refrained from this action at the time in question. Within a transcendently realist framework (i.e. extending time to things in themselves as in the case of Leibniz), we are not free at the time in question according to Kant. Within the transcendental idealist framework, by contrast, which treats space and time as forms of intuition only (notwithstanding their empirical reality as forms of appearances), our freedom can be upheld. Again we are confronted with the issue as to whether freedom-undercutting features of the past, such as its accidental necessity, or its not being in our power, are transferred by virtue of these developmental laws.

But since his argument is dishearteningly short, it may be advisable to take a short deviation and look at the most likely reference text for Kant. Although the ancestry of Kant’s doctrine of freedom is a complex issue,¹⁰⁷ here Kant’s text of reference surely is § 708¹⁰⁸ of section XX, dedicated to *arbitrium*, in the psychology part of the *Metaphysica*. We can sum up

and Richard T.W. Arthur, “Relations of Space and Time,” in *Leibniz und Europa, Vorträge 1: VI. internationaler Leibniz-Kongreß* (Hanover: 1994), 25–31.

¹⁰⁶ Kant, *Kritik der praktischen Vernunft*, AA V, 94–95, see 95–100 for the following.

¹⁰⁷ See Katsutoshi Kawamura, *Der Freiheitsbegriff in Kants Antinomienlehre und seine historischen Wurzeln* (Stuttgart-Bad Cannstatt: 1996) for details, who emphasizes the importance of Friederich Wagner and his *Versuch einer gründlichen Untersuchung, welches der wahre Begriff von der Freyheit des Willens sey?*... (Berlin: 1730).

¹⁰⁸ Baumgarten, *Metaphysica*, in AA XVII, 132: “ACTIONES mihi physice possibiles sunt IN PTESTATE MEA POSITAE*), realitates mihi physice impossibiles sunt EXTRA PTESTATE MEAM POSITAE**). Ergo est actio quaedam vel simpliciter tantum, vel etiam secundum quid in potestate mea posita, est quaedam vel simpliciter etiam, vel tantum secundum quid extra meam potestatem, §. 469. Actionum in potestate alicuius agentis positarum oppositum aut est etiam in potestate eiusdem agentis positum, aut extra eandem, §. 9, et utrumque denuo vel simpliciter, vel secundum quid, §. 469. Quae ipsae cum suis oppositis, simpliciter saltim, sunt in potestate alicuius positae, sunt ipsi LIBERAE (cf. §. 719) RATIONE EXSECUTIONIS***), quarum oppositum simpliciter supra potestatem alicuius positum est, sunt ipsi MERE NATURALES. ACTIO libera ratione exsecutionis, cuius opposito aequalis respectu certi agentis est physica possibilitas, est PHYSICE ipsi INDIFFERENS****) (indifferens, qua exercitium actus). / *) Handlungen stehn. **) stehn

Baumgarten's points¹⁰⁹ as follows—for actions to be in my power they must be physically possible and there are two conceptions of this possibility: (a) *simpliciter* and (b) under some conditions. Physically possible, according to *Metaphysica* § 469, in turn means that the action can be brought about by the nature of the agent as it is, while the difference between (a) and (b) is concerned with the question as to whether this possibility holds for all states the agent as substance is in, or only to some. For actions to be free as far as their execution is concerned, their opposite must also be in our power, and this at least *simpliciter*. This is called *libertas executionis*, or freedom of execution. Freedom of execution is then used by Baumgarten as a condition in the examination of free actions, which must *in addition* be in the power of the agent to be determined by the *arbitrium liberum*.¹¹⁰ For Baumgarten, then, this type freedom is a sort of baseline for further investigations.

Since we are not concerned with questions of philosophical psychology here, we can refrain from dealing with these issues, all the more because the Leibnizian strategy fails already on the level of *libertas executionis* according to Kant. But why? In other words, which of the two conditions mentioned above in the discussion of Baumgarten is violated? Is it: (i) the agent or the action is not free in the sense of *libertas executionis*, because the action, in the example the lie, is not in her power; or (ii) the agent or the action is not free in this sense, because the opposite action, in the example refraining from the lie, is not in her power. Further to (i), there is a transfer of powerlessness, and "in my power" is necessary for freedom, since it contains the refraining option unlike in Baumgarten's original account. With regard to (ii) there is a transfer of accidental necessity, hence the lie is accidentally necessary, hence although in the agent's power (since what is accidentally necessary is also physically possible), refraining is not in her power. Moreover, in this reading the refraining option is not contained in the notion of "in my power" itself, but it is still necessary for freedom (of execution). Curiously, Kant does not make it

nicht in meiner Gewalt. ***) bei denen Thun und Lassen in meiner Gewalt steht. ****) gleich leicht und schwer ist."

¹⁰⁹ For an account of Baumgarten on freedom with an emphasis on philosophical psychology see Clemens Schwaiger, "Baumgartens Theorie der Freiheit—eine Vermittlung im Wolff-Lange-Streit," which is part of Clemens Schwaiger, *Alexander Gottlieb Baumgarten—ein intellektuelles Porträt: Studien zur Metaphysik und Ethik von Kants Leitautor* (Stuttgart-Bad Cannstatt: 2011), 79–94. I would like to thank Clemens Schwaiger for kindly letting me have his manuscript before publication.

¹¹⁰ See Baumgarten, *Metaphysica* §. 719.

clear explicitly which route he has in mind, and the text initially even seems to indicate that he means (i), but in the final analysis, the example of an immoral action is more plausible, if it is in fact (ii) he has in mind.

Whichever is the correct reading, though, according to both interpretations the relevant transfer is taken to occur on both levels by Kant (i.e. on the level of appearances and on the level of monads or things in themselves),¹¹¹ if these are construed in a temporal way with laws regulating the sequence of states. Kant makes it clear that insofar as the agent is taken as an appearance, and this certainly contains the assumption that the laws of nature on the phenomenal level are taken to be the same, there is no *libertas executionis*, because there is no option of refraining from the action in question. The reason why Leibniz's approach fails is, therefore, that the assumption of there being a "sequencing mechanism" on the level of monads, or things in themselves in Kant's view, also implies a transfer of powerlessness. For Kant and his nontemporal account of things in themselves by contrast (i.e. *a fortiori* without a "sequencing mechanism" in place), there is, or at any rate can be, a refraining option, which cuts across the levels, as it were. He says:

sondern jede Handlung und überhaupt jede dem innern Sinne gemäß wechselnde Bestimmung seines Daseins, selbst die ganze Reihenfolge seiner Existenz als Sinnenwesen ist im Bewußtsein seiner intelligibelen Existenz nichts als Folge, niemals aber als Bestimmungsgrund seiner Causalität, als *Noumens*, anzusehen. In diesem Betracht nun kann das vernünftige Wesen von einer jeden gesetzwidrigen Handlung, die es verübt, ob sie gleich als Erscheinung in dem Vergangenen hinreichend bestimmt, und sofern unausbleiblich nothwendig ist, mit Recht sagen, daß er sie hätte unterlassen können; denn sie mit allem Vergangenen, das sie bestimmt, gehört zu einem einzigen Phänomen seines Charakters, den er sich selbst verschafft, und nach welchem er sich, als einer von aller Sinnlichkeit unabhängigen Ursache die Causalität jener Erscheinungen selbst zurechnet.¹¹²

¹¹¹ This is not to say that things in themselves and monads are to be identified *in toto*, because monads are a faulty conception of things in themselves anyway.

¹¹² Kant, *Kritik der praktischen Vernunft*, AA V, 97–98 [emphasis through spacing—W.E.]: "... but every action—and in general every determination of his existence changing conformably with inner sense, even the whole sequence of his existence as a sensible being—is to be regarded in the consciousness of his intelligible existence as nothing but the consequence and never as the determining ground of his causality as a *noumenon*. So considered, a rational being can now rightly say of every unlawful action he performed that he could have omitted it even though as appearance it is sufficiently determined in the past and, so far, is inevitably necessary; for his action, with all the past which determines it, belongs to a single phenomenon of his character, which he gives to himself and in accordance with which he imputes to himself, as a cause independent of all sensibility, the causality of those appearances." Kant, *Practical Philosophy*, 218.

For this form of the refraining option to hold, it must be situated on the foundational level or the supervenience base, and the supervenience base itself must not be temporal. Crucially, then, the device by virtue of which actions insofar as they are events are to be accounted for on the level of *phenomena* can, for all the causal closure of this realm, in turn be regarded as depending on something procured by oneself (i.e. the intelligible character of the thing in itself). This notion of self-procuring has often been interpreted along the choice of life motive made prominent in the myth of Er at the end of Book X of Plato's *Republic*.¹¹³ The problem with this is that it is not (at least not primarily) our character as *phenomena* which must be taken to be obtained by ourselves, but as *noumena*, and if this procuring were a matter of choice, it would need to occur by virtue of some features of a yet higher form of character.

A more promising possibility, therefore, is to read this claim in the light of the notion of providence elucidated above. As we have seen, Kant maintains that God enacts the special laws of nature by virtue of knowing how free agents will act. In light of this doctrine, one plausible way of reading the self-obtaining claim is that God has no options as to which laws to enact with regard to the actions of free agents,¹¹⁴ and this in a twofold way: namely (i) with regard to the discretion concerning the laws to be assigned to an individual agent *A* (insofar as these laws must be true to her intelligible character), and (ii) with regard to the impossibility to realize *A'* instead who, to take up the example discussed above, refrains from stealing (while it is possible for *A* not to steal, of course). In this vein, this character must be taken as self-procured in opposition to having been assigned or given to us by some external agent.

Strikingly, there are passages in his critical works which underwrite this interpretation, and this leads us to the final section, in which we need to discuss whether the strongly theist tinge of Kant's position in the theology

¹¹³ For example by Wood, "Kant's Compatibilism." See Watkins, *Kant and the Metaphysics of Causality*, 333–39 for a more extensive critical discussion.

¹¹⁴ Here, I am trying to stake a middle ground between two diametrically opposed positions, namely Rae Langton's in her *Kantian Humility: Our Ignorance of Things in Themselves* (Oxford: 1998), 118–19 on the one hand, and Watkins's in *Kant's Metaphysics of Causality*, 334–35 on the other. While Langton assumes divine voluntarism with regard to the laws of nature, Watkins rejects this reading of Kant's position, since it undermines human freedom. I agree with Watkins on this, but whereas he seems to assume that the reflection of the essences of things in themselves in the laws of nature is rather global and that freedom needs to be accounted for as a special case of this dependency, my point is that there only needs to be conceptual space for the dependency to hold in the case of rational agents and their freedom.

lectures can be upheld in the context of Kant's critical works: these passages are concerned with three crucial ingredients of this position revolving around the pertinent conception of providence, namely the notions of the givenness of the agent as *noumenon* and her intelligible character (in the face of God), of God's role as the originator of the special laws of nature, and of his role in the adjustment of nature and freedom.

IV. MOLINIST ELEMENTS IN KANT'S CRITICAL SOLUTION

Apart from being properly accessible only via the context of the lectures, this strategy of employing providence to safeguard human freedom can be obscured by the fact that Kant discusses the notion of creation as a possible *threat* to human freedom in the critical works, most prominently in the *Kritik der praktischen Vernunft*, immediately after he argued for his natural causal version of libertarian compatibilism,¹¹⁵ so that it is not at all obvious that the notion of creation is actually part of the solution of the freedom problem. All the more so, since his reply to diffuse this threat is multidimensional: he points out that a transcendental realist account (i.e. a position which takes space and time to be conditions of things in themselves) is not feasible if human freedom is supposed to be upheld in the face of creation. The reason is that, in this case, and in line with what has been said above, we need to assume something like a "sequencing mechanism" and its implication with regard to the transfer of necessity within the first cause itself. Moreover, Kant claims that even in a transcendental idealist framework we cannot *understand* how free creatures can be created. In the *Religion* Kant expands on this and explains that according to our conception of causality the effect is determined by the cause.¹¹⁶ As we also know, in Kant our notion of causality is concerned with changes in substances; when it comes to agents and their creation, however, the issue is about substances as effects of creational power. Transferred to the level of substances, our notion of causality presumably suggests that the way the thing is as a product of this causal power is again determined by the cause. Therefore, Kant says, we have to think the creaturely free agents of the actual world as in a sense preexisting (i.e. *existing before the creation*). This is not only consistent with the core idea of Molina's that certain contingent truths regarding crucial features of free agents (i.e. their acting in

¹¹⁵ I.e. Kant, *Kritik der praktischen Vernunft*, AA V, 100–02.

¹¹⁶ Kant, *Religion*, AA VI, 142–43.

any possible situation) are something given even for God and hence, as bedrock facts, cannot be altered by him, but fits well with the *possibilist* stance taken by the Suárezians in the account of the ontological status of possible individuals or uninstantiated essences. According to this position these individuals taken as *possibilia* precede the divine will; they "exist" in a realm external to God's mind so that his role gets reduced to a mere "Contemplateur des Possibles" independent of him.¹¹⁷

The upshot of this is that within a transcendental idealist framework the notion of creation is not *eo ipso* undercutting the assumption of human freedom. Nevertheless, even if in a transcendental idealist approach, the assumption of creation does not *eo ipso* undercut human freedom, this does not indicate that it is in any sense part of the solution to the problem of freedom and natural causality as the Pöhlitz text of the lectures on natural theology suggests.

However, there are a number of passages in the critical works which indicate that Kant retains the idea of natural laws being implemented by God, of course, not as an object of knowledge, but as an assumption to be made in certain context, such as the regulative use of reason. For example, he maintains in the *Religion* that God needs to be regarded as the origin of laws of nature,¹¹⁸ he claims in the appendix to the transcendental dialectic in the *Kritik der reinen Vernunft* that within the regulative use of reason, we need to regard the world of appearances and its systematic unity as originating in God's creative intellect.¹¹⁹ Systematic unity, in turn, is predominantly concerned with a system of laws. Sections in the *Kritik der Urteilskraft* point in similar directions.¹²⁰

Passages like these have sometimes been invoked in an attempt to counter the charge that there is a *non-sequitur* in Kant's alleged argument for there being a seamless web of causal laws regulating the events of the world of appearances in the 2nd analogy.¹²¹ According to this rebuttal, it

¹¹⁷ O. Boulnois, J. Schmutz, and J.-L. Solère, "Introduction," *Le contemplateur et les idées: Modèles de la science divine, du Néoplatonisme au XVIII^e siècle*, ed. O. Boulnois, J. Schmutz, and J.-L. Solère (Paris: 2002), 15. They see in this development something like a marginalization of God. Kant in a sense pushed this development further in that together with Leibniz's his approach to the freedom problem marks an important turning point away from considering this to be a theological problem to regarding it as emerging in virtue of key assumptions of "modern" natural science.

¹¹⁸ Kant, *Religion*, AA VI, 142.

¹¹⁹ Kant, *Kritik der reinen Vernunft*, A 670–71/B 698–99 and A 681/B 709.

¹²⁰ Such as *Kritik der Urteilskraft*, AA V, 180 and of course those in the resolution to the antinomy of reflective judgment in *Kritik der Urteilskraft* §§ 77 and 78.

¹²¹ See Ertl, *Kants Auflösung der "dritten Antinomie"*, 38–86.

has never been the aim of the 2nd analogy to establish natural determinism in the first place, since this is the task of the regulative use of reason or of the power of reflective judgment. The result of the debate is still open, possibly because the evidence in the pertinent texts is inconclusive. In whichever direction the correct reading lies, however, the idea that special causal laws need to be considered as enacted by the divine mind also fits in quite well with the claim that the 2nd analogy on its own guarantees the lawfulness of the realm of appearances. We can take the 2nd analogy to establish that there must indeed be these laws, leaving open the content of these laws, whilst in order to fill in the contents or specifying these laws the idea of a divine mind is indispensable. It needs to be said, though, that the crucial supervenience claim is not dependent on the regulative idea of creation. According to Kant, there is an intelligible ground of the laws of nature and the individual will is immediately law-giving. Hence, the theist tinge of transcendental idealism is, in this respect, only spelling out the idea of phenomena being grounded by noumena with regard to rational agents and explicating a supervenience mechanism.

Moreover, we have, crucially, in the doctrine of method section of the first *Critique* passages which *explicitly* support the idea of God being that by virtue of which nature and freedom coincide:

Dieser Wille muß allgewaltig sein, damit die ganze Natur und deren Beziehung auf Sittlichkeit in der Welt ihm unterworfen sei; allwissend, damit er das Innerste der Gesinnungen und deren moralischen Wert erkenne; allgegenwärtig, damit er unmittelbar allem Bedürfnisse, *welches* das höchste Weltbeste erfordert, nahe sei; ewig, damit in keiner Zeit diese Übereinstimmung der Natur und Freiheit ermangle, usw.¹²²

This passage corresponds to the analysis and dismissal of the physico-teleological argument in the ideal section of the transcendental dialectic,¹²³ in which Kant clearly endorses Hume's criticism of it and concedes that at best, the teleological argument can establish the existence of a being sufficiently wise and powerful to bring about the world as it is, which

¹²² Kant, *Kritik der reinen Vernunft*, A 815/ B 843: "This will must be omnipotent, so that all of nature and its relation to morality in the world are subject to it; omniscient, so that it cognizes the inmost dispositions and their moral worth; omnipresent, so that it is immediately ready for every need that is demanded by the highest good for the world; eternal, so that this agreement of nature and freedom is not lacking in time, etc." Kant, *Critique of Pure Reason*, 682.

¹²³ Kant, *Kritik der reinen Vernunft*, A 620–30/B 648–58.

clearly falls short of establishing the existence of a being equipped with the predicates of classical theism, such as omnipotence, omniscience, omnipresence, and eternity. The latter can, however, be obtained within the context of rational faith by virtue of unifying the theoretical and practical outlook of the world according to Kant. Strikingly, Kant is talking about eternity not in connection with an agreement of morality and nature, and hence within a line of thought which was to develop later into his postulates of pure practical reason. Rather, he explicitly assigns to the property of eternity the function of guaranteeing the agreement of *freedom and nature*.

To be sure, these claims concerning God's role with regard to the laws of the realm of appearances are purely conceptual and just help to spell out the regulative and practical use of reason. In no way is the criticism against the traditional arguments for the existence of God undercut by these remarks. We cannot have theoretical knowledge of God taken as an object according to Kant, but assumptions involving the idea of God play a crucial role in the critical apparatus. Moreover, Kant is adamant in claiming that our conception of God remains shaky and clouded by sensual considerations, as the example of causality discussed above shows. These provisos notwithstanding, and for all the metamorphoses Molina's ideas underwent in the process of their transmission and reception, Kant's strategy in establishing libertarian compatibilism has Molina's as one of its ancestors.¹²⁴

¹²⁴ Previous versions of this chapter have been presented in Lisbon, St. Andrews, Frankfurt, Amsterdam, and Berlin. I should like to thank all the participants of the subsequent discussions for very helpful comments, and in particular Dennis Schulting, John Haldane, Jens Timmermann, Eric Watkins, Friedemann Buddensiek, Marcus Willaschek, Desmond Hogan and Tobias Rosefeldt. Rosefeldt's paper "Kants Kompatibilismus," *Sind wir Bürger zweier Welten? Freiheit und moralische Verantwortung im transzendentalen Idealismus*, ed. Andree Hahmann, Mario Brandhorst, and Bernd Ludwig (Hamburg: 2012), 77–109, provides a comprehensive and illuminating discussion of the precise nature of the dependency of particular free actions on the acquisition of the intelligible character. Drawing on the notion of *concursum*, i.e. the cooperation of a number of causes to produce an effect, Rosefeldt maintains that the act of acquiring an intelligible character is not and does not need to be sufficient for the agent's empirical character and her actions based on it. This approach has of course far-reaching implications with regard to the core issue of the precise nature of the dependency of the laws of nature on human freedom. Unfortunately, this paper cannot be discussed here at length any further.

BIBLIOGRAPHY

- Adams, Marilyn McCord. "Ockham on Will, Nature, and Morality." In *The Cambridge Companion to Ockham*, edited by Paul Vincent Spade, 245–72. Cambridge: Cambridge University Press, 1999.
- Aichele, Alexander. "Metaphysisches oder logisches Systemprinzip? Die Dynamik des Unbedingten und seine Deduktion in Schellings Naturphilosophie von 1799." In *System der Vernunft 3: Der Systembegriff um 1800*, edited by Christian Danz and Jürgen Stolzenberg. Hamburg: F. Meiner, 2011.
- . "Moral und Seelenheil: Luis de Molinas Lehre von den zwei Freiheiten zwischen Augustin und Aristoteles." In *Politische Metaphysik*, edited by Matthias Kaufmann and Robert Schnepf, 59–83. Frankfurt am Main: P. Lang, 2007.
- . *Ontologie des Nicht-Seienden: Aristoteles' Metaphysik der Bewegung*. Göttingen: Vandenhoeck & Ruprecht, 2009.
- Alarcón, Diego. *SI. Theologia Scholastica*, vol. 1. Lyon: 1633.
- Albertini, Francesco. *SI. Corollaria seu Quaestiones Theologicae*. Napoli: 1610.
- Aldrete, Bernardo de. *SI. Commentariorum et Disputationum in Primam Partem D. Thomae, de Visione et Scientia Dei*. 2 vols. Lyon: 1662.
- Alegria, José Díez. *El desarrollo de la doctrina de la ley natural en Luis de Molina y en los maestros de la Universidad de Evora de 1565 a 1591*. Barcelona: Graficas Marina, 1951.
- Alencastro, Luiz Felipe de. *O trato dos viventes: Formação do Brasil no Atlântico Sul*. São Paulo: Companhia das Letras, 2000.
- Allison, Henry E. *Idealism and Freedom: Essays on Kant's Theoretical and Practical Philosophy*. Cambridge: Cambridge University Press, 1996.
- . *Kant's Transcendental Idealism: An Interpretation and Defense*. Revised and enlarged edition. New Haven and London: Yale University Press, 2004.
- Alonso-Lasheras, Diego. *Luis de Molina's De Iustitia et Iure: Justice as Virtue in an Economic Context*. Leiden: Brill, 2011.
- Alquié, Ferdinand. *La découverte métaphysique de l'homme chez Descartes*. Paris: Presses universitaires de France, 1950.
- Álvarez, Didacus [Diego], OP. *De Auxilio Divinae Gratiae et Humani Arbitrii viribus et libertate ac legitima ejus cum efficacia eorundem auxiliorum concordia*. Rome: 1610.
- Alves, André Azevedo, and José Manuel Moreira. *The Salamanca School*. New York: Continuum, 2010.
- Ameriks, Karl. "Kantian Idealism Today." In Karl Ameriks, *Interpreting Kant's Critiques*, 98–111. Oxford and New York: Oxford University Press, 2006.
- Andrés-Gallego, José, and Jesús María García Añoveros. *La Iglesia y la esclavitud de los negros*. Pamplona: Ediciones Universidad de Navarra, 2002.
- Anfray, J.-P. "Prescience divine, décrets concomitants et liberté humaine d'après Bartholomeo Mastri." In *Saggi sul pensiero filosofico di Bartolomeo Mastri (1602–1673)*, edited by M. Forlivesi. Padova: Il poligrafo, 2006.
- Añoveros, Jesús María García. "Luis de Molina y la esclavitud de los negros africanos." *Revista de Indias* 60 (2000): 307–29.
- Anselm. *Cur Deus homo* II, 17, *Opera omnia*. Edited by F. Schmitt. Stuttgart: 1966.
- Aquinas, Thomas. "De regno." Edited and translated by R.W. Dyson in *Aquinas: Political Writings*. Cambridge: Cambridge University Press, 2002.
- . *Summa theologiae*. Textum Leoninum. Rome: 1889.
- . *Summa theologiae*. Edited by Blackfriars, vol. 5. New York: 1967.
- . *Summa Theologiae*. Cambridge and New York: 1964–73.
- . *Summa theologiae*. Edited by Blackfriars, vol. 30. New York: 1972.

- Aquin, Thomas of. *Sancti Thomae Aquinatis, Summa Theologiae* (B.A.C.—Biblioteca de Autores Cristianos). Secunda Secundae, 3rd edition. Madrid: La editorial catolica, 1963.
- Aragon, Pedro de. *In Secundam secundae D. Thomae Doct. Angelici commentaria, de iustitia et iure*. Venice: 1595.
- Ariew, Roger. *Descartes and the Last Scholastics*. Ithaca and London: Cornell University Press, 1999.
- Aristotle. *Aristotelis Ethica Nicomachea*. Edited by Immanuel Bekker. Berlin: G. Reimer, 1861.
- . *De caelo*. Edited and translated by W.K.C. Guthrie. Cambridge, Mass., and London: Harvard University Press and W. Heinemann, 1986.
- . *Metaphysics*. Edited by W.D. Ross. Oxford: Clarendon Press, 1924.
- . *Nicomachean Ethics*. Book V, Chapter 1, 1129a3–5. Translated by R. Crisp. Cambridge: Cambridge University Press, 2000.
- Arnauld, Antoine. *Oeuvres*. Paris-Lausanne: 1775–82.
- Arriaga, Roderigo de. *Cursus Philosophicus* [1632]. 10th edition. Lyon: 1669.
- Arrubal, Pedro de. (*Commentaria et Disputationes in Primam Partem Divi Thomae*. Madrid: 1619.)
- . *Commentariorum ac disputationum in primam partem divi Thomae, vol. 1*. Madrid: 1619.
- Arthur, Richard T.W. "Relations of Space and Time." *Leibniz und Europa, Vorträge 1: VI. internationaler Leibniz Kongreß*, 25–31. Hanover: Gottfried-Wilhelm-Leibniz-Gesellschaft, 1994.
- Artieda, Martin de Esparza. *Quaestiones de actibus humanis*. Rome: 1658.
- Aso, Ken, et al. *Onomasticum philosophicum latinoteutonicum et teutonicolatinum*. Tokyo: Tetsugaku-Shobo, 1989.
- Astrain, Antonio. *Historia de la Compañía de Jesús en la asistencia de España*. Madrid: Razón y Fe, 1913.
- Ayala, Balthasar. *De Jure et Officiis bellici set disciplina militari*. Libri III. Antwerpen: 1597.
- Azor, Juan, SI. *Institutiones Morales*. Paris: 1602.
- Bachelet, Xavier-Marie Le. *Bellarmin avant son cardinalat*. Paris: Beauchesne, 1911.
- . *Prédestination et grâce efficace*. Louvain: 1931.
- Baertschi, Christian. "Die deutsche metaphysische Kantinterpretation der 1920er Jahre." Dissertation: University of Zurich, 2004.
- Bañes [Bañez], Domingo. *Scholastica Commentaria in primam partem Angelici Doctoris D. Thomae*. 1584; Venice: 1585.
- Bañez, Domingo. *De iure et iustitia decisiones*. Salamanca: 1594.
- . *Scholastica Commentaria in universam primam partem angelici Doctoris D. Thomae*. Venice: 1602.
- Bartolus of Sassoferrato. *Super prima parte digesti veteris*. Venice: 1520.
- Baumgarten, Alexander Gottlieb. *Metaphysica*. 4th edition. Halle: 1757; reprinted in *Immanuel Kants gesammelte Schriften*, edited by königlich preußischen Akademie der Wissenschaften [und ihren Nachfolgern]. Berlin: 1900–.
- . *Metaphysica/Metaphysik*, historisch-kritische Ausgabe, übersetzt, eingeleitet und herausgegeben von Günter Gawlick und Lothar Kreimendahl. Stuttgart-Bad Cannstatt: Frommann-Holzboog, 2011.
- . *Metaphysik*, ins Deutsche übersetzt von Georg Friedrich Meier, nach dem Text der zweiten, von Joh. Aug. Eberhard besorgten Ausgabe 1783 mit einer Einführung, einer Konkordanz und einer Bibliographie der Werke A.G. Baumgartens von Dagmar Mirbach (Tübingen). Jena: 2004.
- Becanus, Martinus, S I. *Summa Theologiae Scholasticae*. Lyon: 1619.
- Beck, A.J. "Divine Psychology and Modalities: Scotus's Theory of the Neutral Proposition." In *John Duns Scotus: Renewal of Philosophy*, edited by E.P. Bos, 123–37. Amsterdam: Rodopi, 1998.

- Bedouelle, Guy. *The History of the Church*. Translated by John Langlois. London: Continuum, 2003.
- . *The Reform of Catholicism, 1480–1620*. Translated by James K. Farge. Toronto: Pontifical Institute of Mediaeval Studies, 2008.
- Bellarmino, Robert. *De Gratia et libero arbitrio*, III. 4. In *Opera*, IV. Naples: 1839.
- . *Disputationes Roberti Bellarmini Politiani, Societatis Iesu, De Controversiis Christiana Fidei adversus huius temporis Hereticos, tribus tomis comprehensa*. Ingolstadii, ex typographia Davidis Sartorii. First edition, Preface. 1587.
- Bellarmino, Roberti. *Disputationes. De controversiis christianae fidei*, t. IV *De Gratia et libero arbitrio* I. II, c. 10. *Opera Omnia*, Colonia, 1617; Paris: 1870.
- Bennett, Jonathan. *Kant's Dialectic*. Cambridge: Cambridge University Press, 1974.
- Béreur de Dole, Louis. *Disputatio Quadripartita de modo coniunctionis concursuum Dei et creaturae*, Lyon: 1634.
- Bergad, Laird W. *The Comparative Histories of Slavery in Brazil, Cuba and the United States*. Cambridge: Cambridge University Press, 2007.
- Bernhardt, R. *Was heißt "Handeln Gottes." Eine Rekonstruktion der Lehre von der Vorsehung*. Munich: Kaiser, Gütersloher Verlagshaus 1999.
- Bernier, François. *Traité du libre et du volontaire*. Amsterdam: 1685.
- Berofsky, Bernard. "Ifs, Cans, and Free Will: The Issues." In *The Oxford Handbook of Free Will*, edited by Robert Kane, 181–201. New York: Oxford University Press, 2002.
- Biersack, Manfred. *Initia Bellarminiana, die Prädestinationslehre bei Robert Bellarmin bis zu seinen Löwener Vorlesungen 1570–1576*. Stuttgart: Steiner Verlag Wiesbaden, 1989.
- Billot, Louis. *De gratia Christi et libero hominis arbitrio*. Rome: 1908.
- Blackburn, Robin. *The Making of New World Slavery*. London and New York: Verso, 1997.
- Blank, Andreas. "Existential Dependence and the Question of Emanative Causation in Protestant Metaphysics, 1570–1620." *Intellectual History Review*, 19, 1 (2009): 1–13.
- Blickle, Peter. *Der Bauernkrieg: Die Revolution des Gemeinen Mannes*. 4th edition. Munich: Beck, 2012.
- . *Von der Leibeigenschaft zu den Menschenrechten: Eine Geschichte der Freiheit in Deutschland*. Munich: Beck, 2003.
- Blythe, J. "Aristotle's Politics and Ptolemy of Lucca." *Vivarium* 40/1 (2002): 103–36.
- Bodin, Jean. *Six livres de la république* (1583). Paris: 1993.
- Boethius. *Consolatio philosophiae*. Edited by L. Bieler (Corpus Christianorum Series Latina) 94/1. Turnhout: 1957.
- Bonciani, Rodrigo Faustini. *O domínio sobre os indígenas e Africanos: Da colonização das ilhas à política ultramarina de Felipe III (1493–1615)*. São Paulo: 2010.
- Borull, Valentin, SI. *Divina Scientia Futurorum Contingentium, praecipue media*. Lyon: 1656.
- Botero, Giovanni. *The Reason of State and the Greatness of Cities*. New Haven: Yale University Press, 1956.
- Boulnois, Olivier. *Être et représentation*. Paris: Presses Universitaires de France, 1999.
- Boulnois, O., J. Schmutz, and J.-L. Solère. "Introduction." In *Le contemplateur et les idées: Modèles de la science divine, du Néoplatonisme au XVIII^e siècle*, edited by O.J. Boulnois, J. Schmutz, and J.-L. Solère, 7–17. Paris: Vrin, 2002.
- Braude, Benjamin. "The Sons of Noah and the Construction of Ethnic and Geographic Identities in the Medieval and Early Modern Periods." *William and Mary Quarterly* 54, 1 (1997): 120ff.
- Braun, H. *Juan de Mariana and Early Modern Spanish Political Thought*. Aldershot: Ashgate, 2007.
- Brett, Annabel S. *Liberty, Right and Nature: Individual Rights in Later Scholastic Thought*. Cambridge: Cambridge University Press, 1997.
- Brieskorn, Norbert, SJ. "Luis de Molinas Weiterentwicklung der Kriegsethik und des Kriegsrechts der Scholastik." In *Suche nach Frieden: Politische Ethik in der Frühen Neuzeit*

- II, edited by Norbert Brieskorn and Marcus Riedenauer. Stuttgart, Berlin, and Köln: Kohlhammer, 2000.
- . "Pierre Bayle oder der neue Blick auf Atheismus, Toleranz und Frieden." In *Suche nach Frieden: Politische Ethik in der Frühen Neuzeit III*, edited by N. Brieskorn and M. Riedenauer. Stuttgart: Kohlhammer, 2003.
- . "Die Rechtsinstitution der Sklaverei in der Beurteilung der spätmittelalterlichen und frühneuzeitlichen Kanonistik." In *Proceedings of the 11th Congress of Medieval Canon Law*, edited by Manlio Bellomo and Orazio Condorelli, 714–31. Vatican City: Biblioteca Apostolica Vaticana, 2006.
- . "Die Sklaverei in der Beurteilung des P. Luis de Molina, S.J." In "...usque ad ultimum terrae": *Die Jesuiten und die transkontinentale Ausbreitung des Christentums 1540–1773*, edited by Johannes Meier, 85–97. Göttingen: Vandenhoeck & Ruprecht, 2000.
- Byrne, Peter. *Kant on God*. Aldershot: Ashgate, 2007.
- Cabrera, Petrus [Pedro] O. Hieron. In *tertiam partem Sancti Thomae Aquinatis commentarii ac disputationes*. Cordoba: 1602.
- Cain, William E. *William Lloyd Garrison and the Fight against Slavery: Selections from the Liberator*. Boston: St. Martin's Press, 1995.
- Calvin, J. *Institution de la religion Chrétienne*. Geneva: 1662.
- Camacho, Francisco Gómez. "Introducción." In Luis de Molina, *Tratado sobre los cambios*, edited by Francisco Gómez Camacho. Madrid: Instituto de Estudios Fiscales, 1990.
- . *Economía y filosofía moral: La formación del pensamiento económico europeo en la Escolástica española*. Madrid: Editorial Síntesis, 1998.
- . *Luis de Molina: La teoría del justo precio*. Madrid: Editora Nacional, 1981.
- Caraman, Philip. *Ignatius Loyola: A Biography of the Founder of the Jesuits*. San Francisco: Harper & Row, 1990.
- Caramuel y Lobkowitz, Juan, O. Cist. *Cursus Moralis Philosophicus Theologicus, sive Theologia Fundamental Moral*. Frankfurt am Main: 1652.
- Caruana, Louis. "The Jesuits and the Quiet Side of the Scientific Revolution." In *The Cambridge Companion to the Jesuits*, edited by Thomas Worcester. New York: Cambridge University Press, 2008.
- Carvajal, Luis del Mármol. *Historia del rebelion y castigo de los moriscos del Reyno de Granada*, 1600 2. Impr. 1797.
- Castro, Alfonso de. *De potestate legis poenalis*, lib. I, cap. 1. In *Opera omnia*. Paris: 1571.
- Casula, Mario. *La metafisica di A. G. Baumgarten*. Milan: U. Mursia, 1973.
- Cessario, Romanus. *Christian Faith and the Theological Life*. Washington, D.C.: Catholic University of America Press, 1996.
- . "Duplex Ordo Cognitionis." In *Reason and the Reasons of Faith*, edited by Paul J. Griffiths and Reinhard Hüter. New York: T & T Clark International, 2005.
- . "Scholarship and Sanctity." *Second Spring* 10 (2008).
- . *The Second One Thousand Years: Ten People Who Defined the Millennium*. Edited by Richard John Neuhaus, 28–39. Grand Rapids, Mich.: W.B. Eerdmans, 2001.
- . *A Short History of Thomism*. Washington, D.C.: Catholic University of America Press, 2005.
- Chafuen, A. *Faith and Liberty: The Economic Thought of the Late Scholastics*. 2nd edition. Lanham, Md.: Lexington Books, 2003.
- Cheéneé, Jean. *Lathéologie de Saint Augustin: grâce et prédestination*. Lepuy: 1961.
- Chojnowski, Peter. "'Corporation Christendom': The True School of Salamanca." *The Angelus* 37 (2005).
- Chrysostomus Javellus Canapicius. *Opera Omnia*. Lyon: 1580.
- Cicovacki, Predrag. "Kant's Debt to Leibniz." In *A Companion to Kant*, edited by Graham Bird, 79–92. Oxford: Oxford University Press, 2006.
- Clarke, Randolph. *Libertarian Accounts of Free Will*. Oxford and New York: Oxford University Press, 2003.
- Clauberg, Johannes. *Paraphrasis in Renati Des Cartes Meditationes de prima philosophia*. Duisburg: 1658.

- Clavero, Bartolomé. *Usura: Del uso económico de la religión en la historia*. Madrid: Fundación Cultural Enrique Luño Peña, 1984.
- Coleman, Janet. "Pre-Modern Property and Self-Ownership Before and After Locke." *European Journal of Political Theory* 4 (2005): 125–45.
- Colish, Marcia L. *Remapping Scholasticism* (The Etienne Gilson Series) 21. Toronto, Pontifical Institute of Mediaeval Studies, 2000.
- Concina, Daniele. *Theologia Christiana dogmatico-moralis*. Rome: 1764.
- Conrad, Robert Edgar. *Children of God's Fire: A Documentary History of Black Slavery in Brazil*. Princeton, N.J.: Princeton University Press, 1983.
- Coombs, J. "The Ontological Source of Logical Possibility in Catholic Second Scholasticism." In *The Medieval Heritage in Early Modern Metaphysics and Modal Theory, 1400–1700*, edited by R. Friedman and L. Nielsen, 191–229. Dordrecht and Boston: Kluwer Academic Publishers, 2003.
- Corasius, Ioannes. *In titulum Pandectarum de iustitia et iure ac sequentes legum iuris, magistratuumque titulos commentarii et de iurisdictione*. Lyon: 1558.
- Costello, F.B. *The Political Philosophy of Luis de Molina, S.J. (1535–1600)*. Rome and Spokane: Institutum Historicum S.J. and Gonzaga University Press, 1974.
- Cottret, Bernard. *Calvin Biographie*. Paris: Lattès, 1995; 2nd edition Paris: Payot & Rivages, 1999.
- Courtine, J.-F. *Nature et empire de la loi. Études suarésiennes*. Paris: Vrin, 1999.
- . *Suarez et le système de métaphysique*. Paris: Presses universitaires de France, 1990.
- Craig, W.L. *The Problem of Divine Foreknowledge and Future Contingents from Aristotle to Suárez*. Leiden, New York, and Cologne: Brill, 1988.
- Crusius, Christian August. *Entwurf der nothwendigen Vernunft-Wahrheiten, wiefern sie den zufälligen entgegen gesetzt werden*. Leipzig: 1745; reprint: Hildesheim: G. Olms, 1964.
- Cruz, Juan Cruz. *Hombree historiaen Vico*. Pamplona: Ediciones Universidad de Navarra, 1982.
- Cudworth, Ralph. *A Treatise on Free Will*. Edited by John Allen. London: 1839.
- Darge, Rolf. *Suárez' transzendente Seinsauslegung und die Metaphysiktradition* (Studien und Texte zur Geistesgeschichte des Mittelalters) 80. Leiden and Boston: Brill, 2004.
- Davis, David Brion. *The Problem of Slavery in Western Culture*. Oxford: Oxford University Press, 1966.
- . *Slavery and Human Progress*. Oxford: Oxford University Press, 1984.
- Deckers, D. *Gerechtigkeit und Recht. Eine historisch-kritische Untersuchung der Gerechtigkeitstheorie des Francisco de Vitoria (1483–1546)*. Freiburg: Herder, 1992.
- Decock, W. "Lessius and the Breakdown of the Scholastic Paradigm." *Journal of the History of Economic Thought* 31.1 (2009): 57–78.
- . *Theologians and Contract Law: The Transformation of the Ius Commune*. Leiden: Brill, 2013.
- Dekker, E. "Does Scotus Need Molina? On Divine Foreknowledge and Co-Causality." In *John Duns Scotus: Renewal of Philosophy*, edited by E.P. Bos, 101–11. Atlanta and Amsterdam: Rodopi, 1998.
- . *Middle Knowledge* (Studies in Philosophical Theology) 20. Leuven: Peeters, 2000.
- . "The Reception of Scotus' Theory of Contingency in Molina and Suárez." In *Via Scoti. Methodologica ad mentem Ioannis Duns Scoti*, edited by L. Sileo, 445–54. Rome: 1995.
- Delgado, Mariano. "Die Rechte der Völker und der Menschen nach Bartolomé de Las Casas." In *Politische Metaphysik*, edited by M. Kaufmann and R. Schnepf, 177–203. Frankfurt am Main: P. Lang, 2004.
- Della Monica, Luigi. "Il concetto di amore nel pensiero religioso di Ralph Cudworth." *Rivista di Filosofia Neo-Scolastica* 4 (2008).
- Demant, Thomas. "Probabilisme." *Dictionnaire de théologie catholique* 3/1. Paris: 1936.
- Descartes, René. *Oeuvres*. Edited by Ch. Adam and P. Tannery, 7 vols. Paris: 1899–1910.
- Di Vona, Piero. *L'ontologia dimenticata: Dall' ontologia spagnola alla Critica della ragion pura*. Naples: Università cattolica del Sacro Cuore, 2009.

- Döllinger, Ignaz, and Franz Reusch. *Geschichte der Moralstreitigkeiten in der römisch-katholischen Kirche seit dem 16. Jahrhundert*. Nördlingen: Beck, 1889.
- Drescher, Seymour. *Abolition: A History of Slavery and Antislavery*. Cambridge: Cambridge University Press, 2009.
- Dumont, S. "The Origin of Scotus's Theory of Synchronic Contingency." *The Modern Schoolman* 72 (1995): 149–67.
- Eberhard, Johann August. Vorbereitung zur natürlichen Theologie zum Gebrauch akademischer Vorlesungen. Halle: 1781.
- Ebert, Theodor. "Phronêsis. Anmerkungen zu einem Begriff der Aristotelischen Ethik [VI 5, 8–13]." In *Aristoteles: Nikomachische Ethik*, edited by Otfried Höffe, 165–85. Berlin: Akademie, 1995.
- Egüés, Agustín Arbeloa. *La doctrina de la predestinación y de la gracia eficaz en Juan Martínez de Ripalda*. Pamplona: Diputación Foral de Navarra, 1950.
- Eijl, Edmond M. Van. "La controverse louvaniste autour de la grâce et du libre-arbitre à la fin du XVI^e siècle." In *L'augustinisme à l'ancienne faculté de théologie de Louvain*, edited by Mathijs Lamberigts and Leo Kenis, 207–82. Leuven: Leuven University Press, 1994.
- Eisenberg, José. "Cultural Encounters, Theoretical Adventures: The Jesuit Missions to the New World and the Justification of Voluntary Enslavement." In *Politische Metaphysik*, edited by M. Kaufmann and R. Schnepf, 357–83. Frankfurt am Main: P. Lang, 2004.
- . *As missoes Jesuíticas e o pensamento político moderno. Encontros culturais, aventuras teóricas*. Belo Horizonte: Editora UFMG, 2000.
- Elders, L.J. *The Philosophical Theology of St. Thomas Aquinas*. Leiden, New York, and Cologne: Brill, 1990.
- Episcopius, Simon. *De libero arbitrio*, I. In *Opera Theologica*, 198–217. Amsterdam: 1650.
- Ertl, Wolfgang. "Hud Hudson: Kant's Compatibilism." *Kant-Studien* 90 (1999): 371–84.
- . "Kant and the Early Modern Scholastic Legacy: New Perspectives on Transcendental Idealism," In *Departure for Modern Europe. A Handbook of Early Modern Philosophy (1400–1700)*, ed. Hubertus Busche. Hamburg: Felix Meiner, 2011, 1178–1193.
- . Kants Auflösung der "dritten Antinomie": Zur Bedeutung des Schöpfungskonzepts für die Freiheitslehre (Symposion) 110. Freiburg and Munich: K. Alber, 1998.
- . "Persons as Causes in Kant." In *The Unity of Human Personhood*, edited by Stephen R. Palmquist, 217–30. Berlin and New York: Walter de Gruyter, 2010.
- . "Schöpfung und Freiheit: Ein kosmologischer Schlüssel zu Kants Kompatibilismus." In *Kants Metaphysik und Religionsphilosophie*, edited by Norbert Fischer, 43–76. Hamburg: Felix Meiner, 2004.
- Esparza, Martinus de. *Cursus Theologicus in decem Libros*. Lyon: 1666.
- Evans, William McKee. "From the Land of Canaan to the Land of Guinea: The Strange Odyssey of the 'Sons of Ham.'" *The American Historical Review* 85 (1980): 15–43.
- Fabri, Filippo. *Disputationes theologicae*. Venice: 1619.
- Feld, Helmut (ed.). *Conradi Summenhart Opera Omnia*, vol. 1: *Tractatus theologici et canonistici*. Mainz: P. von Zabern, 2004.
- Feldhay, Rivka. "Knowledge and Salvation in Jesuit Culture." *Science and Context* 1 (1987): 195–213.
- Finnis, J. *Aquinas*. Oxford: Oxford University Press, 1998.
- Fischer, John Martin. "Freedom and Foreknowledge." *Philosophical Review* 92 (1983): 67–79.
- . "Power Necessity." *Philosophical Topics* 14 (1986).
- Flint, Thomas P. *Divine Providence: The Molinist Account*. Ithaca and London: Cornell University Press, 1998.
- Fonseca, P. da. *Commentariorum in Libros metaphysicorum Aristotelis Stagiritae*. Cologne: 1615; first edition: 1604.
- Forlivesi, Luca. "Gli scotisti secenteschi di fronte al dibattito tra baneziani e molinisti: un'introduzione e una nota." In *Conoscenza e contingenza nella tradizione aristotelica medievale*, edited by Stefano Perfetti. Pisa: ETS, 2008.

- Fraga Iribarne, Manuel. *Luis de Molina y el Derecho de la Guerra*. Madrid: Consejo Superior de Investigaciones Científicas, Instituto "Francisco de Vitoria," 1947.
- Frank, A. William. "A Duns Scotus on Autonomous Freedom and Divine Co-Causality." In *Medieval philosophy and theology* vol. 2, 142–64. Notre Dame, Ind.: University of Notre Dame Press, 1992.
- Frank, Jill. *A Democracy of Distinction*. Chicago and London: University of Chicago Press, 2005.
- Frank, W.A. "Autonomous Freedom and Divine Co-Causality." *Medieval Philosophy and Theology* 2 (1992): 142–64.
- Freddoso, Alfred. "Introduction." In Luis de Molina, *On Divine Foreknowledge (Part IV of the Concordia)*, edited by Alfred J. Freddoso, 1–81. Ithaca and London: Cornell University Press, 1988.
- . "Medieval Aristotelianism and the Case against Secondary Causation in Nature." In *Divine and Human Action: Essays in the Metaphysics of Theism*, edited by Thomas V. Morris, 74–118. Ithaca and London: Cornell University Press, 1988.
- . "Molina, Luis de." In *Routledge Encyclopedia of Philosophy*, vol. 6, edited by Edward Craig. London: Routledge, 1998.
- Friedman, Michael. "Causal Laws and the Foundations of Natural Science." In *The Cambridge Companion to Kant*, edited by Paul Guyer, 161–99. Cambridge: Cambridge University Press, 1992.
- . "Metaphysical Foundations of Newtonian Science." In Michael Friedman, *Kant and the Exact Sciences*, 136–64. Cambridge, Mass., and London: Harvard University Press, 1992.
- Fromondus, Libertus [Froidmond, Libert], *Chrysippus, sive de Libero arbitrio*, (Antwerpen 1644).
- Frye, Northrop. *The Great Code: The Bible and Literature*. New York: Harcourt Brace Jovanovich, 1982.
- Futch, Michael J. "Leibniz on Time and Substance." *Idealistic Studies* 36 (2006): 109–22.
- García, Angel Muñoz. "Diego de Avendaño y la abolición de la esclavitud." *Solar* 5, 5 (Lima 2009): 133–62.
- . "Diego de Avendaño y la esclavitud colonial africana." *Revista de Filosofía* 56 (2007): 133–62.
- García, Francisco. *Tratado utilísimo y muy general de todos los contratos* (1583; Pamplona: 2003).
- García, José Barrientos. *Un siglo de moral economía en Salamanca 1526–1629*. Salamanca: Ediciones Universidad de Salamanca, 1985.
- García, Marcelino Ocaña. *Molinismo y libertad*. Córdoba: Publicaciones Obra Social y Cultural CajaSur, 2000.
- Garrigou-Lagrange, Reginald, OP. *Grace: Commentary on the Summa Theologica of St. Thomas*. Translated by Dominican Nuns. St. Louis, Mo.: B. Herder Book Co., 1952.
- . *La prédestination des saints et la grâce: doctrine de saint Thomas comparé aux autres systèmes théologiques*. Paris: Desclée, de Brouwer et cie, 1936.
- Gaskin, Richard. "Molina on Divine Foreknowledge and the Principle of Bivalence." *Journal of the History of Philosophy* 32 (1994): 551–71.
- . "Peter of Ailly and Other Fourteenth Century Thinkers on Divine Power and the Necessity of the Past." *Archiv für die Geschichte der Philosophie* 79 (1997): 273–91.
- Gassendi, Pierre. *Opera*, vol. 3. Lyon: 1658.
- Gayraud, H. *Providence et libre arbitre: Thomisme et Molinisme*. Toulouse: 1892.
- Gerson, Jean. "De vita spiritali animae." In *Oeuvres complètes*, vol. 3: *L'oeuvre magistrale* (87–105), edited by P. Glorieux, 113–202. Paris et al.: Desclée, 1962.
- Giard, L. (ed.) *Les jésuites à la Renaissance: Système éducatif et production du savoir*. Paris: Presses universitaires de France, 1995.
- Gibieuf, Guillaume [Guillaume] Orat., *De libertate Dei et creaturae, libri duo*. Paris: 1630.
- Gilby, Thomas, OP. *God's Will and Providence*. Edited by Blackfriars, vol. 5. Cambridge: 1990.

- Gilson, Etienne. "La doctrine cartésienne de la liberté et la théologie." Dissertation: Paris, 1913.
- . *L'Être et l'Essence*. 3rd edition. Paris: J. Vrin, 2000.
- Ginet, Carl. "The Conditional Analysis of Freedom." In *Time and Cause: Essays Presented to Richard Taylor*, edited by Peter van Inwagen, 171–86. Dordrecht: D. Reidel, 1980.
- Gordley, James. *The Philosophical Origins of Modern Contract Doctrine*. Oxford: Oxford University Press, 1991.
- Grabill, Stephen. *Sourcebook in Late-Scholastic Monetary Theory: The Contributions of Martín de Azpilcueta, Luis de Molina, and Juan de Mariana S. J.* Lanham, Md.: Lexington Books, 2007.
- Gracia, Jorge J.E. "Suarez (and Later Scholasticism)." In *Routledge History of Medieval Philosophy*, edited by John Marenbon, 452–74. New York: Routledge, 1998.
- Greenberg, Sean. "Leibniz against Molinism: Freedom, Indifference, and the Nature of the Will." In *Leibniz: Nature and Freedom*, edited by Donald Rutherford and J.A. Cover, 217–33. Oxford: Oxford University Press, 2005.
- Gregory of Rimini. *Lectura*. Edited by D. Trapp – V. Marcolino. Berlin: 1981.
- Grice-Hutchinson, Marjorie. "Martín de Azpilcueta's 'Comentario resolutorio de Cambios.'" In *Martín de Azpilcueta's "Comentario resolutorio de Cambios" und Luis Ortiz' "Memorial del Contador Luis Ortiz a Felipe II"*, edited by Marjorie Grice-Hutchinson, Ernst Lluich, and Bertram Schefold, 49–72. Düsseldorf: Verl. Wirtschaft und Finanzen, 1998.
- . *The School of Salamanca: Readings in Spanish Monetary Theory, 1544–1605*. Oxford: Clarendon Press, 1952.
- Gutiérrez, Abelardo Del Vigo. *Cambistas, mercaderes y banqueros en el siglo de oro español*. Madrid: Biblioteca de Autores Cristianos, 1997.
- . *Economía y ética en el siglo XVI*. Madrid: Biblioteca de Autores Cristianos, 2006.
- Hallebeek, Jan. *The Concept of Unjust Enrichment in Late Scholasticism*. Nijmegen: GNI, 1996.
- Hamilton, B. *Political Thought in Sixteenth-Century Spain: A Study of the Political Ideas of Vitoria, De Soto, Suárez, and Molina*. New York: Oxford University Press, 1963.
- Hamilton, Earl. *American Treasure and the Price Revolution in Spain, 1501–1650*. Cambridge, Mass.: Harvard University Press, 1934.
- Härle, Wilfried (ed.) *Prädestination und Willensfreiheit: Luther, Erasmus, Calvin und ihre Wirkungsgeschichte*. Leipzig: Evangelische Verlagsanstalt, 2009.
- Hasker, William. *God, Time and Knowledge*. Ithaca and London: Cornell University Press, 1989.
- Hasker, William, David Basinger, and Eef Dekker (eds.) *Middle Knowledge: Theory and Application* (Contributions to Philosophical Theology) 4. Frankfurt: Peter Lang, 2000.
- Haynes, Stephen R. *Noah's Curse: The Biblical Justification of American Slavery*. New York: Oxford University Press, 2007.
- Heereboord, Adrianus. *Meletemata Philosophica*. Neomagi: 1664.
- Heimsoeth, Heinz. *Transzendente Dialektik. Ein Kommentar zu Kants Kritik der reinen Vernunft* 2. Berlin: De Gruyter, 1967.
- Heine, G. *Briefe an Kaiser Karl V, geschrieben von seinem Beichtvater in den Jahren 1530–32, in dem Spanischen Reichsarchiv zu Simancas aufgefunden und mitgeteilt von Dr. G. Heine, Verlag von Wilhelm Besser*. Berlin: 1848.
- Heisterbach, Caesarius von. *Dialogus Miraculorum—Dialog über die Wunder, Fontes Christiani, Lateinisch-Deutsch, Abdruck des lateinischen Textes von J. Strange (1851)*. 3rd edition. Turnhout: Brepols Publishers, 2009.
- Hellín, J. "Ciencia media y supercomprensión en Molina." *Miscellanea Comillas* (1967): 299–318.
- Henao, Gabriel de. *Scientia media historice propugnata*. Rome: 1655.
- . *Scientia Media Theologice defensata* [sic]. Lyon: 1674.
- Henriquez, Enrique, SI. *Summa Theologiae Moralis*, vol. 1. Venice: 1600.

- Henry of Ghent. *Quodl.* In *Opera omnia*. Leuven: 1979.
- . *Quodlibet*. In *Opera Omnia*, vol. XIII. Louvain: 2004.
- Hentrich, Wilhelm. "Gregor von Valencia und die Erneuerung der deutschen Scholastik im 16. Jahrhundert." In *Philosophia perennis*, vol. 1, edited by F.J. von Rintelen, 293–307. Regensburg: J. Habel, 1930.
- . *Gregor von Valencia und der Molinismus*. Innsbruck: Rauch, 1928.
- . "War Gregor von Valencia prämolinist?" *Scholastik* 4 (1929): 91–106.
- Heredia, Vicente Beltrán de. *Báñez y las controversias sobre la gracia: textos y documentos*. Madrid: CSIC, 1968.
- Hernandez, Bonar Ludwig. "The Las Casas–Sepulveda Debate." *Ex Post Facto* (San Francisco State University) X (2001): 95–105.
- Hespanha, António Manuel. "Luis de Molina e a escravização dos negros." *Análise Social* XXXV, 157 (2001): 937–60.
- Hillenaar, Henk. *Fénelon et les Jésuites*. La Haye: M. Nijhoff, 1967.
- Hinske, Norbert. *Kants Weg zur Transzendentalphilosophie: Der dreißigjährige Kant*. Stuttgart: W. Kohlhammer, 1970.
- Hoffmann, T. *Creatura intellecta: Die Ideen und Possibilen bei Duns Scotus mit Ausblick auf Franz von Mayronis, Poncius und Mastrius* (BGPTM, NF) 60. Munster: Aschendorff, 2002.
- . "The Distinction between Nature and Will in Duns Scotus." *Archives d'Histoire Doctrinale et Littéraire* 66 (1999): 189–224.
- Höffner, Josef. *Wirtschaftsethik und Monopole im 15. und 16. Jahrhundert*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1969.
- Honnefelder, L. *Duns Scotus*. Munich: Beck, 2005.
- . "Metaphysics as a Discipline: From the 'Transcendental Philosophy of the Ancients' to Kant's Notion of Transcendental Philosophy." In *The Medieval Heritage in Early Modern Metaphysics and Modal Theory, 1400–1700*, edited by Russell Friedman and Lauge O. Nielsen, 53–74. Dordrecht: Kluwer Academic Publishers, 2004.
- . *Scientia transcendens: Die formale Bestimmung der Seiendheit und Realität in der Metaphysik des Mittelalters und der Neuzeit* (Paradeigmata) 9. Hamburg: F. Meiner, 1990.
- Höpfel, H. *Jesuit Political Thought: The Society of Jesus and the State, c. 1540–1630*. Cambridge: Cambridge University Press, 2004.
- Houdt, Toon Van. "'Lack of Money': A Reappraisal of Lessius' Contribution to the Scholastic Analysis of Money-Lending and Interest-Taking." *European Journal of the History of Economic Thought* 5 (1998).
- Hudson, Hud. *Kant's Compatibilism*. Ithaca and London: Cornell University Press, 1994.
- Humboldt, Alexander von. *The Island of Cuba: A Political Essay*. Princeton: Markus Wiener Publishers, 2001.
- Hurtado de Mendoza, Juan. *Universa Philosophia*. Lyon: 1624.
- Ignatius of Loyola. *The Text of the Spiritual Exercises of St. Ignatius*. London: 1923.
- Immanuel Kants gesammelte Schriften*, edited by königlich preußischen Akademie der Wissenschaften [und ihren Nachfolgern]. Berlin, 1900–.
- Inauen, A. "Stellung der Gesellschaft Jesu zur Lehre des Aristoteles und des hl. Thomas vor 1583." *Zeitschrift für katholische Theologie* 40 (1916): 201–37.
- Ingham, M.B., and M. Dreyer. *The Philosophical Vision of John Duns Scotus: An Introduction*. Washington, D.C.: Catholic University of America Press, 2004.
- Inwagen, Peter van. *An Essay on Free Will*. Oxford and New York: Oxford University Press, 1983.
- Ioannes a Sancto Thoma [João Painsot], OP. *Cursus Theologicus*. 1637; Lyon: 1663.
- Iunius, Andreas [Andrew Young], SI. *De Providentia et Praedestinatione Meditationes Scholasticae*. Lyon: 1678.
- Jansen, Cornelius. *Augustinus*. Lyon: 1640, lib. VII, Cap. 16. In Francis Ferrier, *Un oratorien ami de Descartes: Guillaume Gibieuf et sa philosophie de la liberté*. Paris: 1980.

- Janssen, Dieter. "Die Theorie des gerechten Krieges im Denken des Francisco de Vitoria." In *Die Ordnung der Praxis—Neue Studien zur spanischen Spätscholastik*, edited by Frank Grunert and Kurt Seelmann. Tübingen: Niemeyer, 2001.
- Justenhoven, Heinz-Gerhard, and Joachim Stüben (eds.) *Kann Krieg erlaubt sein? Eine Quellensammlung zur politischen Ethik der spanischen Spätscholastik*. Stuttgart: Kohlhammer, 2006.
- Kant, Immanuel. *Critique of Pure Reason*. Translated and edited by Paul Guyer and Allen W. Wood. Cambridge: Cambridge University Press, 1996.
- . *Kritik der reinen Vernunft*, nach der ersten und zweiten Originalausgabe neu herausgegeben von Jens Timmermann. Hamburg: Felix Meiner, 1998.
- . *Practical Philosophy*. Translated and edited by Mary J. Gregor, general introduction by Allen W. Wood. Cambridge: Cambridge University Press, 1996.
- . *Religion and Rational Theology*. Translated and edited by Allen W. Wood and George di Giovanni. Cambridge: Cambridge University Press, 1996.
- Kaufmann, Matthias. "Das Verhältnis von Recht und Gesetz bei Luis de Molina." In *Lex und ius. Beiträge zur Begründung des Rechts in der Philosophie des Mittelalters und der frühen Neuzeit*, edited by A. Fidora, M. Lutz-Bachmann, and A. Wagner, 369–92. Stuttgart-Bad Canstatt: Frommann-Holzboog, 2010.
- . "What is New in the Theory of War in Kant's Metaphysics of Morals." *Jahrbuch für Recht und Ethik* 16 (2008): 147–63.
- Kawamura, Katsutoshi. *Der Freiheitsbegriff in Kants Antinomienlehre und seine historischen Wurzeln*. Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1996.
- Keathley, Kenneth. *Salvation and Sovereignty: A Molinist Approach*. Nashville, Tenn.: B&H Academic, 2010.
- Keller, Franz. *Unternehmung und Mehrwert*. Köln: J.P. Bachem, 1912.
- Kennedy, Leonard A., CSB. *A Catalogue of Thomists, 1270–1900*. Houston, Tex.: Center for Thomistic Studies, 1987.
- Kenny, Anthony. "Descartes on the Will." In *Cartesian Studies*, edited by R.J. Butler. Oxford: Blackwell, 1965.
- Kerridge, Eric. *Usury, Interest and the Reformation*. Aldershot: Ashgate, 2002.
- King, William. *De origine mali*. London: 1702.
- Kleinhappl, Johann. *Der Staat bei Ludwig Molina* (Innsbruck: 1935)
- Klein, Herbert S. *The Atlantic Slave Trade*. Cambridge: Cambridge University Press, 1999.
- Knebel, Sven K. "Leibniz, Middle Knowledge and the Intricacies of World Design." *Studia Leibnitiana* 28 (1996): 199–210.
- . "Scientia media. Ein Diskursarchäologischer Leitfaden durch das 17. Jahrhundert." *Archiv für Begriffsgeschichte* 34 (1991): 262–94.
- . *Wille, Würfel und Wahrscheinlichkeit: Das System des moralischen Notwendigkeit in der Jesuitenscholastik 1550–1700*. Hamburg: Meiner, 2000.
- Knuuttila, S. *Modalities in Medieval Philosophy*. London: Routledge, 1993.
- . "Time and Modality in Scholasticism." In *Reforging the Great Chain of Being*, edited by S. Knuuttila and J. Hintikka, 163–257. Dordrecht: Kluwer, 1981.
- Koskeniemi, M. "Empire and International Law: The Real Spanish Contribution." *University of Toronto Law Journal* 61 (2011): 1–36.
- Kraus, Georg. *Vorherbestimmung: Traditionelle Prädestinationslehre im Licht gegenwärtiger Theologie*. Freiburg: Herder, 1977.
- Kraut, R. *Aristotle*. Oxford: Oxford University Press, 2002.
- Kreimendahl, Lothar. "Kants Kolleg über Rationaltheologie: Fragmente einer bislang unbekannten Vorlesungsnachschrift." *Kant-Studien* 79 (1988): 318–28.
- Lacouture, Jean. *Jésuites—une multibibliographie, 1. Les Conquérants*. Paris: Éditions du Seil, 1995.
- Lamadrid, R.S. *El tratado "De Bello" de Molina, in Luis de Molina S. I.—De Bello—Comentario a la 2.2, Q.40, in Archivo Teológico Granadino, II*. Granada: Facultad Teológica S.J., 1939.

- Langholm, Odd. *Economics in the Medieval Schools: Wealth, Exchange, Value, Money and Usury according to the Paris Theological Tradition 1200–1350*. Leiden: Brill, 1992.
- . *Wealth and Money in the Aristotelian Tradition*. Oslo: Universitetsforlaget, 1979.
- Langston, D.C. *God's Willing Knowledge: The Influence of Scotus' Analysis of Omniscience*. University Park and London: Pennsylvania State University Press, 1986.
- Langton, Rae. *Kantian Humility: Our Ignorance of Things in Themselves*. Oxford: Oxford University Press, 1998.
- Laporte, Jean. "La liberté selon Descartes." *Revue de Métaphysique et de Morale* (1937).
- Lara, Silvia Hunold. *Legislação sobre escravos africanos na América portuguesa*. Madrid: 2000. Available online at: http://www.larramendi.es/i18n/catalogo_imagenes/grupo.cmd?path=1000203.
- Larraz, José. *La época del mercantilismo en Castilla, 1500–1700*. Madrid: Aguilar, 1963.
- Latzer, Michael J. "Descartes's Theodicy of Error." In *The Problem of Evil in Early Modern Philosophy*, edited by Elmar J. Kremer and Michael J. Latzer. Toronto, Buffalo, and London: University of Toronto Press, 2001.
- Launoy, Jean de. *Syllabus rationum quibus causa Durandi de modo coniunctionis concursus Dei et creaturae defenditur*. Paris: 1636.
- Leclercq, Jean. "Molina (Luis de)." In *Catholicisme. Hier Aujourd'hui Demain*, vol. 9, edited by G. Mathon, et al., 493. Paris: 1982.
- Leclercq, Jean, OSB. *The Love of Learning and the Desire for God*. New York: Fordham University Press, 1974.
- Ledesma, Petrus [Pedro] de. OP. *Tractatus de Divinae Gratiae Auxiliis*. 1596; Salamanca: 1611.
- Leibniz, G.W. *Confessio philosophi: Papers Concerning the Problem of Evil, 1671–1678*. Translated, edited, and with an introduction by Robert C. Sleigh, Jr. Additional Contributions from Brandon Look and James Stam. New Haven and London: Yale University Press, 2004.
- . *Conversatio cum Domino Episcopo Stenonio de Libertate*. In AA VI.4,C, 1375–83.
- . *Essais de Theodicée, Die philosophischen Schriften* 6. Edited by C.I. Gerhardt. Berlin: Weidmannsche Buchhandlung, 1885.
- . *Remarques sur le Livre de l'origine du mal, publié depuis peu en Angleterre* in *Die philosophischen Schriften*. Edited by C.I. Gerhardt, vol. 6. Berlin: 1875–90.
- . *Textes inédits*. Edited by Gaston Grua. Paris: 1947.
- . *Theodicy: Essays on the Goodness of God, the Freedom of Man and the Origin of Evil*. New York: Ravenbrook, 2009; first published: 1710.
- Leinsle, U.G. "Delectus opinionum. Traditionsbildung durch Auswahl in der frühen Jesuitentheologie." In *Im Spannungsfeld von Tradition und Innovation: Festschrift für Joseph Kardinal Ratzinger*, edited by G. Schmuttermayr et al., 159–75. Regensburg: Pustet, 1997.
- Lemos, Tomás de, OP. *Panoplia Gratiae seu de rationalis Creaturae in finem supernaturalem gratuita Divina suavi-potente ordinatione*. Liège: 1676.
- Les Jésuites—notre histoire*. Paris: Desclée de Brower, 1996.
- Lessius, Leonardus [Lenart Leys], SI. *De Gratia Efficaci Decretis Divinis Libertate Arbitrii et Prescientia Dei Conditionata*. Antwerpen: 1610.
- Lessius, Leonardus. *De iustitia et iure ceterisque virtutibus cardinalibus libri quatuor*. Venice: 1617.
- . *De iustitia et iure libri quatuor*, 6th ed. Antwerp: 1626.
- Lewis, David. "Are We Free to Break the Laws?" *Theoria* 47 (1981): 113–21.
- Liguori, St. Alphonsus. *Del gran mezzo della preghiera* as cited in the *Catechism of the Catholic Church*, no. 2744. Rome: 1997.
- Liske, Michael-Thomas. *Leibniz' Freiheitslehre: Die logisch-metaphysischen Voraussetzungen von Leibniz' Freiheitstheorie* (Paradeigmata) 13. Hamburg: Felix Meiner, 1993.
- Löber, Burckhardt. "Das spanische Gesellschaftsrecht im 16. Jahrhundert." Dissertation: Freiburg, 1966.

- Lohr, Charles. "Hispanic Scholastic Philosophy." In *The Cambridge Companion to Renaissance Philosophy*, edited by James Hankins, 250–69. New York: Cambridge University Press, 2007.
- . "Metaphysics." In *The Cambridge History of Renaissance Philosophy*, edited by Charles B. Schmitt et al., 537–638. New York: Cambridge University Press.
- Long, Steven A. *Natura Pura: On the Recovery of Nature in the Doctrine of Grace*. New York: Fordham University Press, 2010.
- Lopez, Luis. *Tractatus de contractibus et negotiationibus* (Lyon: 1593)
- Loyola, St. Ignatius. *The Autobiography of St Ignatius Loyola, with Related Documents*. Edited by John Olin. New York: 1992.
- Lugo, Francisco de, SI. *Theologia Scholastica in 1. partem D. Thomae*. Lyon: 1657.
- Lugo, Johannes de. *Disputationum de iustitia et iure, tomus primus, hoc est, de rerum dominio, de obligatione*. Lyons: 1652.
- Lurz, Wilhelm. *Adam Tanner und die Gnadestreitigkeiten des 17. Jahrhunderts. Ein Beitrag zur Geschichte des Molinismus*. Breslau: 1932.
- MacGregor, Kirk R. *A Molinist–Anabaptist Systematic Approach*. Lanham, Md.: University Press of America, 2007.
- MacIntyre, Alasdair. *First Principles, Final Ends, and Contemporary Philosophical Issues*. Milwaukee, Wis.: Marquette University Press, 1990.
- Madariaga, Salvador de. *The Rise of the Spanish American Empire*. Westport, Conn.: Greenwood, 1975.
- Magno, Vilela. *Uma questão de iguadade: Antonio Vieira e a escravidão negra na Bahia no Século XVI*. Rio de Janeiro: 1997.
- Mahoney, John. *The Making of Moral Theology*. Oxford: Oxford University Press, 1987.
- Maier, Anneliese. "Notwendigkeit, Kontingenz und Zufall," In Anneliese Maier, *Studien zur Naturphilosophie der Spätscholastik. I: Die Vorläufer Galileis im 14. Jahrhundert*. Rome: Storia e Letteratura, 1949.
- Malebranche, Nicolas. *Eclaircissement à la Recherche de la Verité*. In *Oeuvres Complètes*, vol. 3 Paris: 1976.
- . *Oeuvres Complètes*, vol. 16. Paris: 1973.
- Mandrella, I. *Das Isaak-Opfer: historisch-systematische Untersuchung zu Rationalität und Wandelbarkeit des Naturrechts in der mittelalterlichen Lehre vom natürlichen Gesetz* (BGPTM NF) 62. Munster: 2002.
- Maxwell, Kenneth R. *Pombal: Paradox of the Enlightenment*. Cambridge: Cambridge University Press, 1995.
- McIntyre, John P., SJ. *Gli Esercizi Spirituali di Ignazio di Loyola*. Milan: Jaca Book, 1995.
- Medina, Juan de. *De poenitentia, restitutione et contractibus*. 1581, repr. Farnborough: 1967.
- Meiners, Christoph. *Historia doctrinae de vero deo omnium rerum auctore et rectore*. 2 vols. Lemgoviae: 1780.
- Mendes, Ricardo Antonio Souza. "O medo francês." *Métis: História & Cura* 5 (2006): 101–19.
- Menning, Carol. *Charity and State in Late Renaissance Italy: The Monte di Pietà of Florence*. Ithaca: Cornell University Press, 1993.
- Michelitsch, Anton. *Kommentatoren zur Summa Theologiae de hl. Thomas von Aquin*. 1924; repr. Graz-Wien: 1981.
- Molina, Luis de (Molina, Ludovicus). *Commentaria in primam divi Thomas partem*. Cuenca: 1592.
- . *Concordia liberi arbitrii cum gratiae donis*. 1st edition. Lisbon: 1588.
- . *De iustitia et iure*, vol. 1. Venice: 1611.
- . *De iustitia et iure*, vol. 4. Cologne: 1614.
- . *De iustitia et iure*. Mainz: 1614.
- . *De iustitia et iure*. Mainz: 1659.
- . *De Justitia et Jure*. Geneva (Colonia Allobrogum): 1733.

- . *Liberi arbitrii cum gratiae donis, divina praescientia, providentia, praedestinatione et reprobatione concordia*. Edited by Johann Rabeneck, SJ. Oña: 1953.
- . *On Divine Foreknowledge* (Part Four of the *Concordia*). Translated by Alfred J. Freddoso. Ithaca and London: Cornell University Press, 1988.
- . "Quaestio XL De Bello." In *Kann Krieg erlaubt sein?* edited by Hans-Joachim Justenhoven and Gerhard Stüben, 212–342. Stuttgart: Kohlhammer, 2006.
- . *Quaestio de concursu generali*. In *Geschichte des Molinismus. Bd. I. Neue Molinaschriften*, edited by F. Stegmüller. Munster: Aschendorff, 1935.
- . *Los seis libros de la justicia y el derecho*. Edited by Fraga Iribarne. Madrid: 1941–43.
- . *La teoría de justo precio*. Edited by Francisco Gómez Camacho. Madrid: 1981.
- . *Tratado sobre los cambios*. Edited by Francisco Gómez Camacho. Madrid: 1990.
- R.P. Ludovici Molinae, *De Justitia et Jure*, Opera Omnia, Tractatibus Quinque, Tomisque totidem comprehensa, editio novissima, Coloniae Allobrogum, sumptibus Marci-Michaelis Bousquet, MDCCXXXIII.
- Mommsen, Theodor (ed.) *Corpus Iuris Civilis*, vol. 1: *Institutiones*. Berlin: 1889.
- Mondadori, Fabrizio. "Leibniz against the Society: futuribilia without scientia media." *Leibniz und Europa, Vorträge 1: VI. internationaler Leibniz-Kongreß*, 494–504. Hanover: Gottfried-Wilhelm-Leibniz-Gesellschaft, 1994.
- Nadler, Steven. *The Best of All Possible Worlds: A Story of Philosophers, God and Evil*. New York: Farrar, Straus and Giroux, 2008.
- Naragon, Steven. "Kant in the Classroom." <http://www.manchester.edu/kant> (2 August 2007).
- Navarrete, Baltasarre. *Controversiae in Divi Thomae et eius Scholae Defensionem*, vol. 1. Valledolid: 1605.
- Navarrus, Martin de Azpilcueta. *Manual de confesores y penitentes*. Toledo: 1554.
- Neveu, Bruno. *L'erreur et son juge: Remarques sur les censures doctrinales à l'époque moderne*. Naples: Bibliopolis, 1993.
- New Catholic Encyclopedia*, vol. 14. New York: 1967.
- Njirayamanda Kaphagawani, Didier. *Leibniz on Freedom and Determinism in Relation to Aquinas and Molina*. Aldershot: Ashgate, 1999.
- Noonan, John. *The Scholastic Analysis of Usury*. Cambridge, Mass.: Harvard University Press, 1957.
- Noone, T. "Scotus on Divine Ideas: *Rep. Paris*. I–A, d.36." *Medioevo* 24 (1998): 359–453.
- Normore, C. "Duns Scotus's Modal Theory." In *The Cambridge Companion to Scotus*, edited by Th. Williams, 129–160. Cambridge, Eng.: Cambridge University Press, 2003.
- . "Scotus, Modalities, Instants of Nature and the Contingency of the Present." In *John Duns Scotus: Metaphysics and Ethics*, edited by L. Honnefelder, R. Wood, and M. Dreyer (STGM) 53. Cologne: Brill, 1996.
- Nygren, Gotthard. *Das Prädestinationsproblem in der Theologie Augustinus: eine systematisch-theologische Studie*. Göttingen: Vandenhoeck & Ruprecht, 1956.
- Ockham, William. *Ordinatio*, I, d.38, q. un., *Opera Theologica*. New York: 1979.
- . *Predestination, God's Foreknowledge, and Future Contingents*. Translated and introduced by Marilyn McCord Adams and Norman Kretzmann. New York: Appleton-Century-Crofts, 1969.
- O'Connor, Timothy. "On the Transfer of Necessity." *Nous* 27 (1993): 204–18.
- . *Persons and Causes: the Metaphysics of Free Will*. Oxford and New York: Oxford University Press, 2000.
- O'Connor, William R. "Molina and Bañez as Interpreters of St. Thomas Aquinas." *The New Scholasticism* 21 (1947).
- O'Malley, John W., SJ. *The First Jesuits*. Cambridge, Mass.: Harvard University Press, 1993.
- O'Neill, Charles, and Joaquin Ma. *Dominguez, Diccionario historico de la compañía de Jesús*. Rome and Madrid: Institutum Historicum and Universidad Pontificia Comillas, 2001.

- Oeuvres de Descartes*, published by Charles Adam and Paul Tannery. Paris: 1996.
- Origines. *Homilies on Genesis and Exodus*. Translated and edited by R.E. Heine. Washington, D.C.: Catholic University of America Press, 1982.
- Osbourn, James C. *The Morality of Imperfections*. Westminster, Md.: Carroll Press, 1950.
- Osleer, Margaret J. *Divine will and the Mechanical Philosophy: Gassendi and Descartes on Contingency and Necessity in the Created World*. Cambridge: Cambridge University Press, 1994.
- Oviedo, Francisco de. *Integer Cursus Philosophicus ad unum corpus redactus*. Lyon: 1640.
- . *Philosophiae tomus II complectens Libros de anima et Metaphysicam*, 3rd edition. Lugduni: 1663; first edition: 1640.
- Pacios, Antonio. *El amor y la predestinación*. Barcelona: Ediciones Acervo, 1979.
- Padburg, John W., SJ. "Development of the *Ratio Studiorum*." In *The Jesuit Ratio studiorum: 400th Anniversary Perspectives*, edited by Vincent J. Duminuco. New York: Fordham University Press, 2000.
- Pagden, Anthony. *The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology*. Cambridge: Cambridge University Press, 1982.
- Papin, Isaac. *Essai de théologie sur la Providence et la Grace*. Frankfurt am Main: 1687.
- Pegis, Anton C. "Molina and Human Liberty." In *Jesuit Thinkers of the Renaissance: Essays Presented to John F. McCormick, S.J., by his Students on the Occasion of the Sixty-Fifth Anniversary of His Birth*, edited by Gerard Smith, 75–131. Milwaukee, Wis.: Marquette University Press, 1939.
- Pereboom, Derk. "Kant on Transcendental Freedom." *Philosophy and Phenomenological Research* 73 (2006): 537–67.
- Perler, Dominik. "Aristotelismus in der frühen Neuzeit." *Philosophische Rundschau* 40 (2002): 273–89.
- Petavius, Dyonisius [Denis Petau], SI. *Theologica Dogmata*. Paris: 1644.
- Pinckaers, Servais. *The Sources of Christian Ethics*. 3rd edition. Translated by Mary Thomas Noble. Washington, D.C.: Catholic University of America Press, 1995.
- Piro, Francesco. *Spontaneità e ragion sufficiente: Determinismo e filosofia dell' azione in Leibniz*. Rome: Edizioni di storia e letteratura, 2002.
- Pius, Thomas. *Pia commentaria in primam partem divi Thomae*. Madrid: 1619.
- Plans, Juan Belda. *La escuela de Salamanca*. Madrid: 2000.
- Poiret, Pierre. *Cogitationum rationalium de Deo, Anima, et Malo libri quatuor*. Amsterdam: 1677.
- Pope Paul V. "Formula pro finiendis disputationibus de auxillis ad Praepositos Generales O. Pr. et S. I. Missa, 5 September 1607." With Introduction in Denzinger-Schömetzer, 1963.
- Popescu, Oreste. *Studies in the History of Latin American Economic Thought*. London: Routledge, 1997.
- Porter, Jean. "The Virtue of Justice." In *The Ethics of Aquinas*, edited by Stephen Pope. Washington, D.C.: Georgetown University Press, 2002.
- Pozzo, Riccardo. "Aristotelismus und Eklektik in Königsberg." In *Die Universität Königsberg in der Frühen Neuzeit*, edited by Manfred Komorowski and Hanspeter Marti, 172–85. Cologne, Weimar, and Vienna: Böhlau, 2008.
- Prado, Norbert del. *De Gratia et Libero Arbitrio; in qua Explanantur Sex Quaestiones de Gratia Dei ex D. Thomae Summa Theologica*, vol. 1. Fribourg: 1907.
- Prieto, Lucas Garcia. *La Paz y La Guerra: Luis de Molina y la Escuela Espanola del siglo XVI en relación con la ciencia y el Derecho Internacional Moderno*. Zaragoza: Imprenta de Octavio y Félez, 1944.
- Pufendorf, Samuel. *Jus feziale divinum sive de consensu et dissensu protestantium*, 1694, §§ 72–76. English Translation: *The Divine Feudal Law: Or, Covenants with the Mankind, Represented*, translated by Theophilus Dorrington, edited by Simone Zurbuchen. Indianapolis: Liberty Fund, 2002.

- Quiros, Antonio Bernaldo de, SI. *Cursus Philosophicus*. Lyon: 1666.
- Queralt, Antonio. *Libertad humana en Luis de Molina*. Granada: Faculty of Theology, 1977.
- Ramelow, Tilman. *Gott, Freiheit, Weltenwahl: Der Ursprung des Begriffes der besten aller möglichen Welten in der Metaphysik der Willensfreiheit zwischen Antonio Perez S.J. (1599–1649) und G.W. Leibniz (1646–1716)* (Brill's Studies in Intellectual History) 80. Leiden, New York, and Cologne: Brill, 1997.
- Raynaud, Théophile. *Nova Libertatis Explicatio*. Paris: 1632; now in *Opera Omnia*, vol. 18. Lyon: 1665–69.
- Regnon, Théodore de. *Bañes et Molina: histoire, doctrines, critique métaphysique*. Paris: Oudin, 1883.
- Reinhardt, Klaus. *Pedro Luis S.J. (1538–1602) und sein Verständnis der Kontingenz, Präscienz und Prädestination: ein Beitrag zur Frühgeschichte des Molinismus*. Munster: 1965.
- Renoux-Zagamé, Marie-France. "Lois du Ciel et Lois des Hommes selon les Manuels des Confesseurs: Le Pouvoir du Pouvoir Invisible dans la France Classique." In *Mélanges en l'honneur d'Anne Lefebvre-Teillard*, texts prepared by Bernard d'Alteroche. Paris: LGDJ diffuseur, 2009.
- Rescher, Nicholas. *Leibniz: An Introduction to his Philosophy*. Oxford: Oxford University Press, 1979.
- Ribadeneira, Gaspar, SI. *Tractatus de praedestinatione sanctorum et reprobatione impiorum*. Madrid: 1652.
- Romeyer, B. "Libre arbitre et concours selon Molina." *Gregorianum* 23 (1942): 169–201.
- Rosefeldt, Tobias. "Kants Kompatibilismus." In *Sind wir Bürger zweier Welten? Freiheit und moralische Verantwortung im transzendentalen Idealismus*, edited by Andree Hahmann, Mario Brandhorst, and Bernd Ludwig, 77–109. Hamburg: Meiner, 2012.
- Rothbard, Murray. *Economic Thought before Adam Smith*. Cheltenham: Edward Elgar, 1996.
- Rummel, Erika. *The Humanist–Scholastic Debate in the Renaissance and the Reformation*. Cambridge, Mass.: Harvard University Press, 1998.
- Saارينen, Risto. *Weakness of the Will in Medieval Thought: From Augustine to Buridan*. Leiden: Brill, 1988.
- Sagiús, José, SJ. "¿Crisis en el bañecianismo?" *Estudios Eclesiásticos* 86 (1948): 699–749.
- . "La suerte del bañecianismo y del molinismo." *Miscelánea Comillas* 34–35 (1960): 393–431.
- Salas, Juan de. *Commentarii in secundam secundae D. Thomae*. Lyon: 1617.
- Salon, Miguel. *Controversiae de iustitia et iure*. Valencia: 1598.
- Salvador de Madariaga, *The Rise of the Spanish American Empire*. Westport: Connecticut, 1975.
- Scattola, M. "Die weiche Ordnung—Recht und Gesetz in der Naturrechtslehre des Domingo de Soto." In *Lex und ius. Beiträge zur Begründung des Rechts in der Philosophie des Mittelalters und der frühen Neuzeit*, edited by A. Fidora, M. Lutz-Bachmann, and A. Wagner, 333–68. Stuttgart-Bad Canstatt: Fromann-Holzboog, 2010.
- Schefold, Bertram. "Spanisches Wirtschaftsdenken zu Beginn der Neuzeit." In *Martín de Azpilcuetas "Comentario resolutorio de Cambios" und Luis Ortíz "Memorial del Contador Luis Ortíz a Felipe II"*, edited by Grice-Hutchinson, Ernst Lluch, and Bertram Schefold. Düsseldorf: Verl. Wirtschaft und Finanzen, 1998.
- Schmutz, J. "La doctrine médiévale des causes et la théologie de la nature pure (XIII^e–XVI^e siècles)." *Revue thomiste* 1–2 (2001): 217–64.
- . "L'héritage des Subtils: Cartographie du scotisme du XVII^e siècle." *Les Etudes philosophiques* 1 (2002).
- . "Du péché de l'ange à la liberté d'indifférence. Les sources angéologiques de l'anthropologie moderne." *Les Etudes Philosophiques* 2 (2002).
- . "La querelle des possibles. Recherches philosophiques et textuelles sur la métaphysique jésuite, 1540–1767." Doctoral Dissertation: EPHE-ULB, 2003.

- . “Qui a inventé les mondes possibles?” *Cahiers de Philosophie de l'Université de Caen* 42 (2004): 9–45.
- Schneemann, G. *Die Entstehung und Entwicklung der thomistisch-molinistischen Kontroverse*. 2 vols. Freiburg: 1879–80.
- Schnepf, Robert. “Baltasar de Ayala's Beitrag zum Kriebsrecht und dessen Kritik bei Francisco Suárez und Hugo Grotius.” In *Suche nach Frieden: Politische Ethik in der frühen Neuzeit III*, edited by N. Brieskorn and M. Riedenaue, 319–45. Stuttgart: Kohlhammer, 2003.
- Schulting, Dennis. “Kant's Idealism: The Current Debate.” In *Kant's Idealism: New Interpretations of a Controversial Doctrine*, edited by D. Schulting and J. Verburg, 1–25. Dordrecht: Springer, 2010.
- Schumpeter, Joseph. *A History of Economic Analysis*. London: Oxford University Press, 1954.
- Schüssler, Rudolf. “Moral Self-Ownership and *ius possessionis* in Late Scholastics.” In *Transformations in Medieval and Early-Modern Rights Discourse*, edited by Virpi Mäkinen and Petter Korkman, 149–72. Dordrecht: Springer, 2006.
- . *Moral im Zweifel, Band 1: Die scholastische Theorie des Entscheidens unter moralischer Unsicherheit*. Paderborn: 2003.
- Schwaiger, Clemens. *Alexander Gottlieb Baumgarten—ein intellektuelles Porträt: Studien zur Metaphysik und Ethik von Kants Leitautor*. Stuttgart-Bad Cannstatt: Frommann-Holzboog, 2011.
- Schwamm, H. *Das göttliche Vorherwissen bei Duns Scotus und seinen ersten Anhängern*. Innsbruck: F. Rauch, 1934.
- Schwartz, Daniel. “Suárez on Distributive Justice.” In *Interpreting Suárez*, edited by Daniel Schwartz. Cambridge: Cambridge University Press, 2012.
- Scoraille, Raoul. *François Suarez de la Compagnie de Jesus d'après ses lettres, ses autres écrits inédits et un grand nombre de documents nouveaux*. Paris: Lethielleux, 1911.
- Scotus, Ioannes Duns. *Opera omnia, studio et cura Commissionis Scotisticae ad fidem codicum edita*. Vatican City: 1950–.
- Scotus, John Duns. *Quodl.* Edited by L. Wadding. Lyon: 1639, XII, 67. Translated by F. Alluntis and A. Wolter, *God and Creatures: The Quodlibetal Questions*. Princeton, N.J.: Princeton University Press, 1975.
- Scribano, Maria Emanuela. *Da Descartes a Spinoza. Percorsi della teologia razionale nel Seicento*. Milan: 1988.
- Senellart, M. *Les arts de gouverner: Du regimen médiéval au concept de gouvernement*. Paris: Seuil, 1995.
- Sepulveda, Juan Ginés de. *Tratado sobre las justas causas de la guerra contra los Indios*. Reprinted edition. Mexico: Fondo de Cultura Económica, 1979.
- Severiano, Tavares. “Fonseca e a ciência média.” *Revista portuguesa de filosofia* 9, 4 (1953) 418–29.
- Sgarbi, Marco. “Abraham Calov and Immanuel Kant: Aristotelian and Scholastic Traces in the Kantian Philosophy.” *Historia Philosophica* 8 (2010): 55–62.
- . “Kant e la filosofia trascendentale scolastica.” *Giornale Critica della Filosofia Italiana* 92 (2011): 163–76.
- . *Metafisica e logica nel Kant precritico: L'ambiente intellettuale di Königsberg e la formazione della filosofia kantiana*. Frankfurt: Peter Lang, 2011.
- Shengjian Xie, Simon. “What is Kant: A Compatibilist or An Incompatibilist? A new interpretation of Kant's solution to the free will problem.” *Kant-Studien* 100 (2009): 53–76.
- Sleigh, Robert. “Leibniz on Divine Foreknowledge.” *Faith and Philosophy* 11 (1994): 547–71.
- Sleigh, Robert Jr., Vere Chapell, and Michael Della Rocca, “Determinism and Human Freedom.” In *The Cambridge History of Seventeenth-Century Philosophy*, edited by Daniel Garber and Michael Ayers, 2 vols. Cambridge: Cambridge University Press, 1998, vol. 1: 1195–278.

- Slote, Michael. "Selective Necessity and the Free-Will Problem." *The Journal of Philosophy* 79 (1982).
- Smith, Gerard, SJ. *Freedom in Molina*. Chicago: Loyola University Press, 1966.
- Smolarski, Dennis C. "The Jesuit *Ratio Studiorum*, Christopher Clavius, and the Study of Mathematical Sciences in Universities." *Science in Context* 15 (2002): 447–57.
- Söder, J. *Kontingenzt und Wissen* (BGPTM, NF) 49. Munster: Aschendorff, 1999.
- Solow, Barbara L. (ed.) *Slavery and the Rise of the Atlantic System*. Cambridge: Cambridge University Press, 1991.
- Sorabji, Richard. "Aristotle on the Instant of Change." In *Articles on Aristotle*, edited by Jonathan Barnes, Malcolm Schofield, and Richard Sorabji, 4 vols. London: Duckworth, 1975, vol. 3: 158–77.
- Sosoe, Lukas. "Wege zur Menschheit." In *Politische Metaphysik*, edited by M. Kaufmann and R. Schnepf, 385–97. Frankfurt am Main: P. Lang, 2004.
- Soto, Domingo de. *De iustitia et iure libri decem*. Lyon: 1559.
- . *De iustitia, et iure, libri decem*. 5 vols. Salamanca: 1556.
- . *De iustitia et iure*. Terranova: 1573.
- Spicciati, Amleto et al. *Pietro di Giovanni Olivi: La scienza economica del XIII secolo*. Milan: Europia, 1990.
- Stegmüller, Friedrich. *Beiträge zur Gnadenlehre der Salmantizenser Schule mit besonderer Berücksichtigung des Dominikus Soto*. Freiburg im Breisgau: 1930.
- . *Geschichte des Molinismus. I, Neue Molinaschriften*. Munster: Aschendorff, 1935.
- . "Molinas Leben und Werk." In *Geschichte des Molinismus I. Neue Molinaschriften*, edited by Friedrich Stegmüller, 1–80. Munster: Aschendorff, 1935.
- . *Die Prädestinationslehre der Scholastik I: Von Anselm bis Thomas von Aquin*. Freiburg im Breisgau: 1928.
- . *Zur Prädestinationslehre des jungen Vasquez*. Munster: 1935.
- Stone, M.W.F. "Scholastic Schools and Early Modern Philosophy." In *The Cambridge Companion to Early Modern Philosophy*, edited by Donald Rutherford, 299–327. New York: Cambridge University Press, 2006.
- Strawson, Peter F. *The Bounds of Sense: An Essay on Kant's Critique of Pure Reason*. London and New York: Routledge, 1966.
- . "Freedom and Resentment." In Peter F. Strawson, *Freedom and Resentment and Other Essays*, 1–25. London: Methuen, 1974.
- Suárez, Francisco. *On Creation, Conservation, and Concurrence: Metaphysical Disputations 20–22*. Translation, notes, and introduction by Alfred J. Freddoso. South Bend, Ind.: St. Augustine's Press, 2002.
- . *De gratia*, prol. 2, c.7, § 20. 1st edition 1619. In *Opera omnia*, vol. VII, edited by C. Berton. Paris: 1856–77.
- . *Varia opuscula theologica: De scientia Dei futurorum contingentium, opera omnia, vol. II*. Edited by Vivès. Paris: 1858; first edition: 1599.
- Summenhart, Conrad. *Tractatus de contractibus licitis, atque illicitis*. Venice: 1580.
- Sweet, James. "Spanish and Portuguese Influences on Racial Slavery in British North America, 1492–1619." In *Collective Degradation: Slavery and the Construction of Race, Proceedings of the Fifth Annual Gilder Lehrman Center International Conference at Yale University 2003* (available online at: <http://www.yale.edu/glc/events/race/Sweet.pdf>).
- Taurellus, Nicolaus [Nikolaus Ochlein]. *De rerum aeternitate*. Marburg: 1604.
- Tavares, Severiano. "A questão Fonseca-Molina: Resposta a uma crítica." *Revista portuguesa de filosofia* 11, 1 (1955): 78–88.
- Theiner, Johannes. *Die Entwicklung der Moraltheologie zur eigenständigen Disziplin*. Regensburg: F. Pustet, 1970.
- Thesaurus Spiritualis Societatis Iesu*. Rome: 1948.
- Thireau, Jean-Louis. *Charles du Moulin*. Geneva: 1980.
- Tierney, Brian. *The Idea of Natural Rights*. Atlanta, Ga.: Scholars Press, 1997.

- Todeschini, Giacomo. *Ricchezza Franciscana, Dalla povertà volontaria alla società di mercato*. Bologna: 2004.
- Toledo, Francisco de. In *Summam Theologiae S. Thomae Aquinatis Enarratio*. Rome: 1869.
- Tommasi, Francesco Valerio. *Philosophia transcendentalis: La questione antepredicativa e l'analoga tra la Scolastica e Kant*. Florence: L.S. Olshcki, 2008.
- Tonelli, Giorgio. *Da Leibniz a Kant: Saggi sul pensiero del settecento*. Naples: Prismi, 1987.
- . *Kant's Critique of Pure Reason within the Tradition of Modern Logic: A Commentary on its History*. Hildesheim, Zürich, and New York: G. Olms, 1994.
- Toner, Patrick. "The Prayer of the Molinist." *The Heythrop Journal* 49 (2008): 940–47.
- Töpfer, Bernhard. *Urzustand und Sündenfall in der mittelalterlichen Staatstheorie*. Stuttgart: A. Hiersemann, 1999.
- Tosi, Giuseppe. "The Theological Roots of Subjective Rights: dominium, ius an potestas in the Debate on the Indian Question." In *Politische Metaphysik*, edited by M. Kaufmann and R. Schneppf, 125–54. Frankfurt am Main: P. Lang, 2004.
- Trinkaus Zagzebski, Linda. *The Dilemma of Freedom and Foreknowledge*. New York and Oxford: Oxford University Press, 1991.
- Tuck, Richard. *Natural Rights Theories*. Cambridge: Cambridge University Press, 1979.
- Turrianus, Ludovicus [Luis de Torres], SI. *Diversa Opuscula Theologica*, vol. 1. Lyon: 1624.
- Twisse, Richard. *Dissertatio de scientia media tribus libri absoluta*. 1618; repr. Arnhem: 1639.
- Valencia, Gregorio de. "De scientia Dei et de praedestinatione theses bipartitae (Ingolstadii, 1584)." In *Die scholastische Theologie im Zeitalter der Gnadenstreitigkeiten I: Neue Texte von Diego Paez (+1582), Diego del Mármol (+1664) und Gregor von Valencia (+1603)*, edited by Ulrich L. Lehner. Nordhausen: Bautz, 2007.
- Valencia, Robert Himmerich y. *The Encomenderos of New Spain, 1521–1555*. Austin, Tex.: University of Texas Press, 1991.
- Valentia, Gregorius de. *Commentariorum Theologicorum tomi quatuor*. Ingolstadt: 1603.
- Vanderpol, Alfred. *La Doctrine Scolastique du Droit de la Guerre*. Paris: Pedone, 1925.
- Varkeemaa, Jussi. "Summenhart's Theory of Rights." In *Transformations in Medieval and Early-Modern Rights Discourse*, edited by Virpi Mäkinen and Petter Korkman, 119–47. Dordrecht: Springer, 2006.
- Vasteenberghe, E. "Molinisme." In *Dictionnaire de Théologie Catholique*, vol. X. Paris: 1929.
- Vázquez, Gabriel. *Commentariorum ac disputationum in primam partem S. Thomae tomus primus*. Alcalá: 1598.
- . *Commentariorum ac disputationum in tertiam partem S. Thomae tomus primus*. Alcalá: 1611.
- Vicaire, M.-H. *Histoire de saint Dominique*: vol. 1, *Au Coeur de l'Eglise*. Paris: Éd. du Cerf, 1982.
- Vieira, Antonio. *Sermões*. Tomo I + II, edited by Alcir Pécora. São Paulo: 2000.
- Vihvelin, Kadri. "Libertarian Compatibilism", *Noûs* 34 (2000), Supplement 14, 139–166.
- Vilés, José Blázquez. "El precio justo y la usura en la obra de Luis de Molina." In *Diez economistas españoles: Siglos XVI–XVI*, edited by Jesus de la García. Madrid: El Escorial, 1991.
- Vilela, Magno. *Uma questão de iguadade: Antonio Vieira e a escravidão negra na Bahia no Século XVI* (Rio de Janeiro 1997).
- Vitoria, Francisco de. *Comentarios a la Secunda secundae de Santo Tomás*. Edited by V. Beltrán de Heredia. 6 vols. Salamanca: Apartado 17, 1934.
- . *Political Writings*. Cambridge: Cambridge University Press, 1991.
- . *Relectio de Jure Belli o Paz Dinamica-Escuela Española de la Paz, Primer Generación, 1526–1560, por Luciano Pereña a.o.* Madrid: 1981.
- . "Relectio de potestate civili." In *Relectiones Theologicae XII in duos tomos divisae*, vol. 1. Lyons: 1557.
- . *Relectio de potestate civili*. Edited and translated in A. Pagden and J. Lawrance, *Vitoria: Political Writings*. Cambridge: Cambridge University Press, 1992.
- Vos, A. et al. *John Duns Scotus: Contingency and Freedom. Lectura I* 39. Dordrecht and Boston: Kluwer Academic Publishers, 1994.

- Wagner, Friederich. *Versuch einer gründlichen Untersuchung, welches der wahre Begriff von der Freiheit des Willens sey?* Berlin: 1730.
- Walker, Ralph C.S. "The Number of Worlds in Kant." *British Journal for the History of Philosophy* 18 (2010): 821–43.
- Walz, A. "Ordinationes capitulorum generalium de Sancto Thoma eiusque cultu et doctrina." *Analecta ordinis Praedicatorum* 16 (1923–24).
- Watkins, Eric. *Kant and the Metaphysics of Causality*. Cambridge: Cambridge University Press, 2005.
- Weber, Wilhelm. *Geld und Zins in der spanischen Spätscholastik*. Munster: Aschendorff, 1962.
- . *Wirtschaftsethik am Vorabend des Liberalismus. Höhepunkt und Abschluß der scholastischen Wirtschaftsbetrachtung durch Ludwig Molina S. J.* Munster: Aschendorff, 1959.
- Westfall, Richard S. *The Trial of Galileo: Bellarmino, Galileo, and the Clash of Two Worlds*. Valparaiso, Ind.: Valparaiso University Press, 1988.
- Widerker, David. "Troubles with Ockhamism." *Journal of Philosophy* 87 (1990): 462–80.
- Wieling, Hans. *Die Begründung des Sklavenstatus nach ius gentium und ius civile*. Stuttgart: F. Steiner, 1999.
- Wolter, A. *Duns Scotus on the Will and Morality*. 1st edition 1986; Washington: Catholic University of America Press, 1997.
- . "Scotus' Paris Lectures on God's Knowledge of Future Events." Reprinted in A.B. Wolter. *The Philosophical Theology of John Duns Scotus*, edited by M. McCord Adams, 285–333. Ithaca and London: Cornell University Press, 1991.
- Wood, Allen W. "Kant's Compatibilism." In *Self and Nature in Kant's Philosophy*, edited by Allen W. Wood, 73–101. Ithaca and London: Cornell University Press, 1984.
- Zumel, Francisco, O. Merc. *In primam D. Thomae partem Commentarium*. 1594; Venice: 1597.
- Zurara, Gomes Eanes de. *Crónica dos feitos da Guiné*. Lisbon: Publicações Alfa, 1989.
- Zurara, Gomes Eanes de, and Charles Raymond Beazley. *The Chronicle of the Discovery and Conquest of Guinea Vol. 1*. Cambridge: Cambridge University Press, 2010.

CONCORDANCE INDEX TO IUSTITIA ET IURE

Because of the large number of editions, some of which are not easily accessible, we decided to give the quotations from DIEI in this volume with something along the lines of a concordance system: using (1) the first edition of the first three volumes from Cuenca and the edition of volumes IV and V (Antwerp: 1609) as arranged by his Jesuit brothers from the collegium of Madrid, (2) the editions de facto employed by the authors of this volume and (3) the quotation with treatise, disputation and number, as they are to be found in the Mainz editions from 1614 and 1659 as well as in the Geneva edition. For pragmatic reasons we will mention first treatise, disputation and number, then column and the part of the page signed with the letter A, B... finally the columns of the Venice and/ or Cologne edition.

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254	II	107	5	1593	634-635
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